

ELMER BORCHARDT

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JANUARY 16, 1998

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<p>1 IN THE CIRCUIT COURT OF MILWAUKEE COUNTY</p> <p>2 STATE OF WISCONSIN</p> <p>3</p> <p>4 JIMMIE BERKHAHN, et al.,</p> <p>5 Plaintiffs,</p> <p>6 vs. CASE NO. 96-CV-009916</p> <p>7 ACANDS, INC., et al.,</p> <p>8 Defendants.</p> <p>9</p> <p>10 GRACE TELLESEN, et al.,</p> <p>11 Plaintiffs,</p> <p>12 vs.</p> <p>13 THE ANCHOR PACKING CO., et al.,</p> <p>14 Defendants.</p> <p>15</p> <p>16 CLARENCE W. ESPEN, et al.,</p> <p>17 Plaintiffs,</p> <p>18 vs. API, INC., et al.,</p> <p>19 Defendants.</p> <p>20</p> <p>21 STATE OF WISCONSIN MAUKESHA COUNTY CIRCUIT COURT</p> <p>22</p> <p>23 MICHAEL SCHILLER and WINNIFRED SCHILLER,</p> <p>24 Petitioners,</p> <p>25 vs. Case Number 97-CV-2087</p>	<p>1 APPEARANCES</p> <p>2 CASINO VAUGHAN LAW OFFICES LTD., by</p> <p>3 Mr. Robert G. McCoy, Attorney at Law</p> <p>4 403 W. North Avenue</p> <p>5 Chicago, Illinois 60610</p> <p>6 appeared on behalf of the Plaintiffs,</p> <p>7</p> <p>8 TERSCHAN, STEINLE & NESS, by</p> <p>9 Mr. Frank R. Terschan, Attorney at Law</p> <p>10 2600 N. Mayfair Road Suite 700</p> <p>11 Milwaukee, Wisconsin 53226</p> <p>12 appeared on behalf of the Defendant</p> <p>13 L&S Insulation,</p> <p>14</p> <p>15 QUALL, FELDRUEGG, CALVELLI, THOM &</p> <p>16 CROKE, BY Mr. John Feldruegge, Attorney</p> <p>17 at Law, 710 N. Plankinton Ave.,</p> <p>18 Milwaukee, Wisconsin 53203 appeared on</p> <p>19 behalf of Defendant WEPCO, in the Espen</p> <p>20 and Berkahn cases only,</p> <p>21</p> <p>22 SCHELLINGER & DOYLE, S.C., BY</p> <p>23 Mr. Mark K. Longue, Attorney at Law,</p> <p>24 Deer Creek Office Building</p> <p>25 443 South Moorland Road #450</p> <p>26 Brookfield, WI 53008 appeared on behalf of</p> <p>27 Defendants API and Bay Insulation,</p> <p>28</p> <p>29 O'CONNOR & WILLEMS, S.C., BY</p> <p>30 Mr. Robert E. Hankel, Attorney at Law,</p> <p>31 6633 Green Bay Road, Kenosha, WI 53142</p> <p>32 appeared on behalf of Defendant Combustion</p> <p>33 Engineering,</p> <p>34</p> <p>35 COOK & FRANK, S.C., BY</p> <p>36 Ms. Laura E. Schmitt, Attorney at Law,</p> <p>37 660 East Mason Street</p> <p>38 Milwaukee, WI 53202-3877</p> <p>39 appeared on behalf of Defendant Building</p> <p>40 Service Industrial Sales Company, Inc.,</p> <p>41</p> <p>42 SAGER, PAVLICK, WIRTZ & FRY, BY</p> <p>43 Ms. Kristi L. Fry, Attorney at Law,</p> <p>44 104 S. Main Street</p> <p>45 Fond du Lac, WI 54603-4287</p> <p>46 appeared on behalf of Defendant Gerlock,</p> <p>47 Inc.,</p>
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<p>1 THE ANCHOR PACKING CO., et al.,</p> <p>2 Respondents.</p> <p>3</p> <p>4 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY</p> <p>5</p> <p>6 DELORES SUOJA, individually and as Special</p> <p>7 Administrator of the estate of Oscar Suoja,</p> <p>8 deceased,</p> <p>9 Plaintiffs,</p> <p>10 vs. Case Number 97-CV-2370</p> <p>11 ACANDS, Inc., et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15 EXAMINATION of ELMER BORCHARDT, otherwise</p> <p>16 than as a witness upon the trial, taken at the</p> <p>17 instance of the plaintiffs, under and pursuant to</p> <p>18 section 804.05 of the Wisconsin Statutes, pursuant</p> <p>19 to Notice, before Ronald L. Bosk, Registered Merit</p> <p>20 Reporter and Notary public in and for the state of</p> <p>21 Wisconsin, on the 16th day of January, 1998,</p> <p>22 commencing at 1:45 p.m. and concluding at 5:00 p.m.</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Mr. Kurt R. Anderson, Attorney at Law,</p> <p>2 150 N. Sunnyslope Road Suite 305</p> <p>3 Brookfield, WI 53005</p> <p>4 appeared on behalf of Defendant WEPCO in</p> <p>5 the Schiller case only,</p> <p>6</p> <p>7 KRAVIT & GASS, S.C., BY</p> <p>8 Mr. Michael D. Rosenberg,</p> <p>9 825 N. Jefferson Street</p> <p>10 Milwaukee, WI 53202-6495</p> <p>11 appeared on behalf of Defendant CBS,</p> <p>12</p> <p>13 FOLEY & LARDNER, BY</p> <p>14 Mr. James L. Huston,</p> <p>15 First Center 777 E. Wisconsin Ave.,</p> <p>16 Milwaukee, WI 53202-5367 appeared on</p> <p>17 behalf of Defendants Pittsburgh Corning</p> <p>18 Corporation, Armstrong World Industries,</p> <p>19 Inc., GAP Corporation, Gastcott Holdings,</p> <p>20 Inc., Rhone-Poulenc AG Company, A.P. Green</p> <p>21 Industries, Inc., Asbestos Claims</p> <p>22 Management Corporation, and United States</p> <p>23 Gypsum Company,</p> <p>24</p> <p>25 THE RILEY LAW FIRM, BY</p> <p>26 Mr. James K. Weston II, Attorney at Law,</p> <p>27 4040 First Avenue N.E.</p> <p>28 Cedar Rapids, Iowa 52402</p> <p>29 appeared on behalf of Defendant Raymark,</p> <p>30</p> <p>31 CRIVELLO, CARLSON, MENTKOWSKI & STREVES,</p> <p>32 BY Ms. Carmen N. Anderson, Attorney at</p> <p>33 Law, 710 N. Plankinton Avenue, Milwaukee,</p> <p>34 Wisconsin 53203 appeared on behalf of</p> <p>35 Defendant Sprickmann & Sons,</p> <p>36</p> <p>37 HENSON & EFRON, BY</p> <p>38 Mr. Joseph T. Dixon, Jr., Attorney at Law,</p> <p>39 1200 Title Insurance Bldg., 400 Second</p> <p>40 Avenue South, Minneapolis, Minnesota 55401</p> <p>41 appeared on behalf of Defendant AC&S,</p> <p>42</p> <p>43 HINSHAW & CULBERTSON, BY</p> <p>44 Ms. Sheila M. Gavin, Attorney at Law,</p> <p>45 100 E. Wisconsin Avenue, Milwaukee, WI</p> <p>46 53202-4115 appeared on behalf of</p> <p>47 Defendants Allied Insulation, PFG, and Oak</p> <p>48 Fabco,</p>

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Mr. Joseph P. Sullivan, Attorney at Law,
1 Kamper Drive, Long Grove, IL 60049-0001
appeared on behalf of Defendant John
Crane,

GODFREY, BRAUN & FRAZIER, BY
Mr. Jeffrey L. Janik, Attorney at Law,
700 First Financial Centre
700 N. Water Street Milwaukee, WI
53202-4278 appeared on behalf of Defendant
Rapid American,

SEGAL, McCAMBRIDGE, SINGER & MAHONEY,
LTD. BY Mr. Michael W. Drumke, Attorney
at Law, 20 South Clark Street, Chicago, IL
60603 appeared on behalf of Defendant A.W.
Chesterton Co.,

COOK & FRANK, BY
Mr. Alexander T. Pendleton,
Attorney at Law, 660 E. Mason Street,
Milwaukee, WI 53202-3877 appeared on
behalf of Defendant Briggs & Stratton,

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EXHIBITS

NUMBER 1 PHOTOCOPY OF LEDGER BOOKS
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NUMBER 3 PHOTOCOPY OF LEDGER BOOKS
NUMBER 4 PHOTOCOPY OF LEDGER BOOKS

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TRANSCRIPT OF PROCEEDINGS
ELMER BORCHARDT, called as a witness
herein by the Plaintiffs, having been first duly
sworn, WAS examined and testified as follows:

MR. MCCOY: Let's begin with a listing of
the appearances, Robert McCoy for the
plaintiffs.

MR. BORCHARDT: I'm sorry, Elmer
Borchardt, L&S Insulation.

MR. TERSCHAN: Frank R. Terschan,
Terschan, Steinle & Ness, L&S Insulation
Company.

MR. FELDBRUEGGE: John Feldbruegge,
Quale, Feldbruegge, Calvelli, Thom & Croke,
appear only for WEPCO in the Espen and Berkahn
cases.

MR. LONGUA: Mark Longua, Schellinger
& Doyle for API in the Espen case, and API and
Bay Insulation in the Berkahn case.

MR. HANKEL: Robert Hankel of O'Connor
& Willems for combustion Engineering only in
the Schiller case.

MS. SCHUETT: Laura Schuett, Cook and
Franke for Building Service Industrial Sales
Company Inc.

MS. FRY: Kristi Fry of Sager,
Paylick, Wirtz & Fry for defendant Garlock,
Inc.

MR. ANDERSON: Kurt Anderson of
Nelson, Dries & Zimmerman, S.C. for WEPCO in
the Schiller matter only.

MR. ROSENBERG: Michael Rosenberg of
Kravit and Gass in the Schiller matter only for
CBS.

MR. HUSTON: James L. Huston of Foley
and Lardner for Pittsburgh Corning Corporation
in all of these cases and in the Schiller case
also for Armstrong World Industries, GAF
Corporation, Dana Corporation, Gasket Holdings,
Inc. and Rhone-Poulec AG Company and in the
Souja case also for Armstrong World Industries,
Inc., GAF Corporation, A. P. Green Industries,
Inc., Asbestos Claims Management Corporation
and United States Gypsum Company.

MR. WESTON: James Weston for Raymark
in the Tellefsen, Berkahn and Schiller cases
only.

MS. ANDERSON: Carmen Anderson of
Crivello, Carlson, Mentkowski & Steeves, for
Sprinkmann and Sons.

MR. DMON: Joe Dixon for AC&S Inc.
in the Berkahn and Suoja cases.

MS. GAVIN: Sheila Gavin, Hinshaw &
Culbertson, in the Berkahn case for Allied
Insulation, in Tellefsen for PPG, Schiller for
PPG and Oak Fabco, Suoja for Allied Insulation
and PPG.

MR. SULLIVAN: Joseph Sullivan,
offices of William Koziol for John Crane.

MR. JANIK: Jeff Janik, Godfrey,
Braun & Frazier for Rapid American Corporation.

MR. DRUMKE: Michael Drumke for A.W.
Chesterton in the Schiller and Tellefsen
matters.

MR. PENDLETON: Alexander Pendleton,
Cook and Franke on behalf of Briggs and
Stratton Corporation.

MR. McCoy: Got everybody?

MR. TERSCHAN: Before we get started,
I assume we are going to have the one objection
fits all rule?

MR. MCCOY: Right, one objection
stands for everybody.

For the record this is the deposition
of Mr. Elmer Borchardt which has been noticed

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1 in several cases, asbestos cases, the Berkahn
2 case, the Espen case, Tellefsen case, the Suoja
3 case, and the Michael Schiller case.

EXAMINATION

BY MR. MCCOY

6 Q Mr. Borchardt, my name is Bob McCoy and do you
7 recall the last time that I took your
8 deposition?

9 A Yes, I do.

10 Q All right. If there's any question I ask today
11 that's unclear, be sure to let me know so I can
12 get it clear for the record and also if you
13 need to explain any of your answers, please do
14 so. I want to get as complete an explanation
15 as possible.

6 A I will.

7 Q First question I have is do you know any of the
8 plaintiffs in whose cases this deposition has
9 been noticed, and by that I mean Mr. Berkahn,
10 Mr. Espen, Mr. Tellefsen, and Mr. Suoja or Mr.
11 Schiller?

12 A The names aren't that familiar. Who are they
13 affiliated with, or did they work for someone?

14 Q They had a variety of employers, I am just
15 wondering if you personally know any of those

1 prepared or soon thereafter?

2 A No.

3 Q Have you had the opportunity to look through
4 those records prior to this deposition?

5 A I am aware of the ledgers. I reviewed the
6 older, the books.

7 Q You looked through the original books and these
8 documents that have been marked as exhibits
9 one, two, three and four are copies of those
10 books?

11 A I presume that's correct.

12 Q Do you have any reason to doubt the accuracy of
13 any of the entries in these books?

14 A Not at all.

15 Q What term do you refer to these books as?

16 A Contract ledger books.

17 Q When did L&S Insulation begin keeping these
18 contract ledger books?

19 A I'd have to look at the first one because I am
20 not aware of that date. Page two of the first
21 exhibit it says 1947.

22 Q In 1947 what position did you have at L&S
23 Insulation?

24 A I wasn't with L&S Insulation.

25 Q Okay. when did you come with L&S Insulation,

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1 people?

2 A I don't think I do.

3 Q Do you remember any of those people working for
4 L&S Insulation?

5 A Not right now I don't.

6 Q We have marked for your deposition in advance
7 four exhibits, one, two, three and four, and I
8 will ask you if you could identify for us what
9 those are copies of?

10 A They are copies of old contract books, ledgers.

11 Q Are those business records of L&S Insulation?

12 A Yes.

13 Q And can you tell us what your knowledge is as
14 far as how those were kept and maintained?

15 A Our office girl of 20 or 25 years, when we
16 received a contract, would write the company,
17 the job location, and any additional
18 information that she knew that she could put on
19 there. It was given a contract number,
20 sometimes a date.

21 Q Are those records kept in the Ordinary course
22 of the business of L&S Insulation?

23 A They were.

24 Q As part of your work at L&S Insulation, did you
25 review those ledgers as they were being

1 start working?

2 A I started in 1950.

3 Q When did you become a part owner of the
4 company?

5 A Late '50's.

6 Q I am going to ask some questions about your
7 knowledge as to these jobs that are listed in
8 here and let me know if you have any knowledge
9 or what your recollection might be on the
10 questions that I ask?

11 A I will.

12 Q First question is would you have any knowledge
13 of any of the jobs before 1950?

14 A No.

15 Q For the jobs that are prior to 1973 in these
16 ledgers, are there any records apart from these
17 contract ledger books available?

18 A None.

19 MR. TERSCHAN: so the record is
20 clear, none that we are aware of. We have gone
21 through this with affidavit form. They may be
22 out there. At one point in time there were
23 some records.

24 MR. MCCOY: Right.

25 MR. TERSCHAN: Where they are, we

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1 don't know.
 2 MR. MCCOY:
 3 Q You have made *some* search for records, is that
 4 correct, other than these contract ledger
 5 books?
 6 A In our premises, yes.
 7 Q And you had indicated previously that *some*
 8 boxes were left with your attorney at that
 9 prior deposition, not Mr. Terschan, but I
 10 believe *someone from the* Niebler firm?
 11 A Mr. Niebler was with me at a deposition. I
 12 believe the boxes were left for the other
 13 attorneys.
 14 Q And you have no further information as to their
 15 whereabouts as you sit here today?
 16 A I do not.
 17 Q Have you personally made any inquiries about
 18 what happened to those boxes?
 19 A Through the Terschan firm.
 20 Q Have all your inquiries been through Mr.
 21 Terschan's firm?
 22 A Well, also and contacted the Niebler and
 23 Niebler firm to see if they could locate them.
 24 They couldn't.
 25 Q Approximately when did you contact the Niebler

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1 firm?
 2 A I think prior to the last deposition.
 3 Q Last deposition I believe I have is July 16th,
 4 1996, does that sound right?
 5 A No, it was prior to that.
 6 Q Prior to?
 7 A It was after the Newbauer deposition.
 8 Q I just need to pin it down a little more
 9 closely. when was the last time you made an
 10 inquiry for the boxes?
 11 A when we were asked if we had possession of them
 12 we said no, it went to the Niebler firm. They
 13 responded. We went to the Terschan firm, they
 14 all responded. Those dates are all recorded.
 15 I can't remember them. I can't.
 16 Q So you are unable to tell us today the time
 17 frame when these inquiries were made other than
 18 to say it was after the Newbauer deposition?
 19 A Yes.
 20 Q Do you know approximately how long after the
 21 Newbauer deposition?
 22 A I do not.
 23 Q Let me direct your attention to page 385,
 24 that's the Bates Stamp number on the page, and
 25 it's contract number 5179.

1 MR. TERSCHAN: Do you know which
 2 exhibit it's in, Mr. McCoy, which book?
 3 MR. McCoy All these exhibits begin
 4 with page number one.
 5 MR. TERSCHAN: Do you have a date on
 6 that? Anything you have got.
 7 MR. MCCOY: The date is 1955.
 8 MR. TERSCHAN: Okay. We have got it.
 9 MR. MCCOY: which exhibit does that
 10 appearin?
 11 MR. TERSCHAN. It's going to be in
 12 the 1953 to 1960 vintage.
 13 MR. McCoy: Exhibit number two.
 14 MR. TERSCHAN: Yes, exhibit two.
 15 MR. MCCOY:
 16 Q Did you have an opportunity to review that
 17 entry?
 18 A I see it.
 19 Q Okay. What does the contract number signify?
 20 A What does it signify?
 21 Q Right. What does it stand for?
 22 A Numerical sequence of contracts that was
 23 attributed to that job.
 24 Q Were the files at one time kept according to
 25 these job numbers?

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1 A Yes.
 2 MR. PENDLETON Contract number?
 3 A Contract number 5179.
 4 MR. MCCOY:
 5 Q The files at one time were kept according to
 6 the contract numbers?
 7 A Yes.
 8 Q And the date above this is what, is that
 9 1-28-55?
 10 A 55, yes.
 11 Q So was this job, you know if this job was done
 12 at or about this time?
 13 A It would be very difficult to say. I, for my
 14 first five or six maybe seven years in the
 15 company I worked in the corrugated asbestos
 16 division, although I knew of these happenings
 17 in the pipe covering division, I didn't
 18 personally get involved in practically any of
 19 them because we were working full steam in the
 20 other division at that time. I think it was
 21 L&S Roofing and Insulation Company
 22 Q This particular job, what's the first line
 23 entry for it?
 24 A The contractor.
 25 Q Who is that?

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1 A Pflugradt Construction Company.
 2 Q Spell that first name for the record?
 3 A P-F-L-U-G-R-A-D-T.
 4 Q And what's the second line say?
 5 A Journal Company.
 6 Q And what does that signify, Journal Company,
 7 what does that mean?
 8 A Job location.
 9 Q Does that refer to the Journal here in
 0 Milwaukee?
 1 A Yes.
 2 Q All right, and the next line seems to say hot
 3 water pipe insulation, is that correct?
 4 A That's correct.
 5 Q What knowledge do you have about that job?
 6 A Only what I see.
 7 Q So you don't know what type of insulation
 8 materials were used on the job?
 9 A Hit water could have been plumbing, Pflugradt
 0 Company could have been some heating, probably
 1 fiberglass, small job.
 2 Q You say probably, do you know?
 3 A No, sir, I don't.
 4 Q Let's take a look at contract number 4729.
 5 A Yes, I have it.

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1 Q Did you have an opportunity to review that
 2 entry?
 3 A I see it, yes.
 4 Q And do you have any knowledge in connection
 5 with that job other than what the contract
 6 ledger says?
 7 A No, I don't.
 8 Q This refers to, it says Cemesto, C-E-M-E-S-T-O,
 9 is that right?
 0 A Cemesto Board partition.
 1 Q What is Cemesto Board partition?
 2 A It was a panel of composition board faced on
 3 both sides with asbestos. Cement board used in
 4 our construction division, in the corrugated
 5 asbestos division.
 6 Q So that's an asbestos containing product?
 7 A Asbestos board on both sides of the product,
 8 Yes.
 9 Q Does this come in sheets?
 0 A Yes.
 1 Q Tell us what size the sheets were?
 2 A They were available four by eight, four by
 3 four, four by ten, four by twelve.
 4 Q Who made those sheets?
 5 MR. FELDBRUEGGE: object to

1 foundation.
 2 A Off hand my memory escapes me.
 3 MR. McCOY:
 4 Q You indicated you were part of the roofing
 5 division of L&S Insulation?
 6 A At that time, yes.
 7 Q At this time?
 8 A Yes.
 9 Q Was this part of the work of the roofing
 0 division?
 1 A Yes.
 2 Q Okay. Can you tell us who supplied the Cemesto
 3 Board for the roofing division?
 4 A I cannot at this moment tell you that. If I
 5 recall it, I will let you know.
 6 Q Is this something that L&S Insulation made
 7 itself?
 8 A No.
 9 Q L&S bought this from somebody else?
 0 A Bought it together.
 1 Q Bought it with the asbestos already on the two
 2 sides?
 3 A Yes.
 4 Q All right. What responsibility did you have
 5 with the roofing division at this time in 1954,

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1 June of 1954?
 2 A I was training to be an estimator, field
 3 supervision.
 4 Q In terms of this particular job, is that the
 5 contractor at the top again?
 6 A Walter Oeflein Incorporated, probably a general
 7 contractor.
 8 Q Could you spell that for the record for us?
 9 A O-E-F-L-E-I-N.
 0 Q And L&S Insulation was a subcontractor for some
 1 of their jobs?
 2 A On that job we were.
 3 Q Can you tell us what that job involved?
 4 A I cannot. It says it was a Cemesto Board
 5 partition, which Cemesto Board was used for
 6 occasionally. Could have been an exterior
 7 wall. Could have been a soffit.
 8 Q Did you actually do any work on this job
 9 yourself?
 0 A No, I didn't.
 1 Q Did you do any estimating work?
 2 A No.
 3 Q Do you know who was responsible for this job?
 4 A The manager of that division was Howard
 5 Redlich.

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1 Q Could you spell his last name for us?
 2 A R-E-D-L-I-C-H.
 3 Q Mr. Redlich still alive?
 4 A No, he isn't.
 5 Q Did you have any role in the estimating of this
 6 job?
 7 A No, I did not.
 8 Q You know who would have been ordering the
 9 materials for this job?
 10 A Presume it was Mr. Redlich.
 11 Q The location of this job is at the line here
 12 which says Journal, Radio City?
 13 A I presume that's up at Capitol Drive, probably
 14 a building addition.
 15 Q That's where this building is located?
 16 A Yes, to my knowledge it is.
 17 Q Now when we talked before about the records and
 18 there not being anything on these jobs before
 19 '73 other than these contract ledger books,
 20 would that also include, to your understanding,
 21 the roofing division records?
 22 A Yes, they are scattered through these entire
 23 books.
 24 Q And there's nothing other than, on the roofing
 25 division records, other than what's in these

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1 ledger entries?
 2 A That's correct.
 3 Q Okay, contract number 3419?
 4 A 3419, I see it.
 5 MR. PENDLETON: Counsel, all of us
 6 don't have copies of the exhibit in front of
 7 us. when you get to an entry, would you be
 8 kind enough just to read the entire entry so
 9 that everyone around the table has at least as
 10 to which potential supplier or potential job
 11 site you may be referring to?
 12 MR. MCCOY: That's a good idea.
 13 MR. PENDLETON: Thank you.
 14 MR. MCCOY:
 15 Q I will ask Mr. Borchardt to do that.
 16 A Happy to, contract 3419, Mohr-Jones Hardware
 17 company, they acted like a general contractor.
 18 The building is the Journal Times Building,
 19 it's in Racine, Wisconsin, and it says
 20 corrugated roofing. That would be corrugated
 21 asbestos roofing installed as a roof.
 22 Q Corrugated asbestos roofing?
 23 A Yes.
 24 Q Did you work on this job?
 25 A Not to my knowledge I didn't.

1 Q When you say asbestos roofing, could you be a
 2 little more descriptive of the type of
 3 material?
 4 A Kesby and Mattison manufactured corrugated
 5 sheets which were used for roofing because they
 6 withstood the weather and they were
 7 approximately 42 inches wide. Up to 12 foot
 8 length.
 9 Q What was the thickness of these sheets usually?
 10 A I think 3/8ths of an inch.
 11 MR. MCCOY: I have to get something
 12 from the office, I will be right back.
 13 (whereupon a brief recess was taken.)
 14 MR. MCCOY: I apologize. Too much
 15 paper here.
 16 Q Let's take a look at contract number 9282,
 17 1971?
 18 MR. TERSCHAN: 992 what?
 19 A 82 I think he said.
 20 MR. TERSCHAN: Yes, 9282.
 21 MR. MCCOY
 22 Q Right.
 23 A Dated 11-2-71, Paul J. Grunau Company is the
 24 contractor, First Federal Savings and Loan is
 25 this job site. Pipe and duct insulation are

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1 the products or the job, type of job.
 2 Q How do you spell Grunau for the record?
 3 A G-R-U-N-A-U.
 4 Q All right. With respect to this particular
 5 job, do you know this job?
 6 A I don't recall it specifically.
 7 Q At this time were you an officer in L&S
 8 Insulation?
 9 A Yes.
 10 Q Do you recall anything about this job
 11 whatsoever?
 12 A Well, it's dated 11-2-71, we had already gotten
 13 rid of asbestos and that date only means that
 14 it was entered into this book at that time and
 15 has no correlation to when the work was done.
 16 Q So you have no knowledge of any asbestos
 17 containing materials being used on this job?
 18 A I don't think there it would have been
 19 possible.
 20 Q Why do you say that?
 21 A It was eliminated in the industry.
 22 Q How do you know it was eliminated by the time
 23 of this job?
 24 A The date. This is the latter part of '71, it
 25 was eliminated in the '70's.

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1 Q Do you know when it was eliminated?
 2 A Not specific dates.
 3 Q What's your best recollection about when it was
 4 eliminated?
 5 A I always thought it was the early part of '70.
 6 Q All right. Let's take a look at contract 9135,
 7 1971 also?
 8 A 9135, dated 5-14-71, Board of School Directors
 9 Milwaukee, 20th Street School, miscellaneous
 10 insulation.
 11 Q Can you tell us on that particular job what
 12 recollection that you have?
 13 A I can tell you from this information that it
 14 was a small job because they never let out
 15 contracts in excess of \$1,000.00. Probably
 16 patchwork and it was probably fiberglass.
 17 Q Why do you say it was probably fiberglass?
 18 A School board was using it heavily at that time.
 19 Q Do you know what materials were actually used
 20 on the job?
 21 A No, I can't, could have been duct insulation
 22 for all I know.
 23 Q Who determined the materials on the school
 24 board jobs, was that something specified by the
 25 school board or was that something that L&S

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1 Insulation determined?
 2 A We never specified materials. The school board
 3 could have specified. In this case it was
 4 patching, they would have. If it was a bid
 5 job, it would have been an engineer.
 6 MS. ANDERSON objection as to form.
 7 MR. MCCOY:
 8 Q Job number or contract number 38821
 9 A 3882, dated 8-24-51, Board of School Directors
 10 24th Street School, boiler, hot and cold water
 11 pipe insulation.
 12 Q This also a job for Milwaukee Public Schools?
 13 A Yes.
 14 Q Do you have any knowledge about this job, other
 15 than what's in the ledger?
 16 A None.
 17 Q Contract number 8626, it's 19691
 18 A Yes, 2-20-69, contract 8626, Advanced Plumbing
 19 Company, 39th Street School in Kenosha,
 20 plumbing insulation.
 21 Q What knowledge do you have about that job other
 22 than what's in the ledger?
 23 A Nothing specific.
 24 Q Advanced Plumbing Company, would that be the
 25 primary contractor?

1 A Yes, they are a plumbing contractor. They
 2 exist today.
 3 Q What type of work did this job involve?
 4 A Probably hot and cold water piping, which is I
 5 am almost positive fiberglass in '69 was very
 6 common taping.
 7 Q You say you are almost positive, do you know?
 8 A Well, they didn't use asbestos on plumbing
 9 pipe, it would have been cost prohibitive.
 10 Q So it's your belief that there was not asbestos
 11 insulation used on the jobs that are labeled
 12 plumbing insulation?
 13 A Yes.
 14 Q Other than the cost prohibitive point that you
 15 made, do you have any other reason to believe
 16 that there was not asbestos on any of the
 17 plumbing insulation jobs?
 18 A '69, fiberglass came into being in the early
 19 '50's. You could use a half inch of
 20 fiberglass in relation to one inch of
 21 everything else. It provided a perfect vehicle
 22 for us to change as many specifications as we
 23 could.
 24 Q What do you mean by change specifications?
 25 A Well, an engineer might have specified one inch

1 of Woolfelt on a plumbing job, but he would
 2 accept a half inch of fiberglass, which
 3 precludes a cost effective bid for him.
 4 Q With respect to this particular job, contract
 5 8626, do you know what the materials were that
 6 were used on the job?
 7 A I can't recall a specific.
 8 Q Did you personally do any work on this job?
 9 A No, I didn't work on any of the projects. I
 10 was a supervisor.
 11 Q As a supervisor, did you have any involvement,
 12 any responsibilities, concerning this job,
 13 8626?
 14 A No, another person handled that area.
 15 Q Handled what area?
 16 A Racine, Racine-Kenosha.
 17 Q Take a look at job contract number 7404, that's
 18 1963.
 19 MR. FELDBRUEGGE: What's that number
 20 again, Bob?
 21 MR. MCCOY: 7404.
 22 A 7404, dated 6-21-63, E. P. Roller and Sons,
 23 Four Hundred West Building, heating
 24 insulation.
 25 Q Where is this job located?

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1 A I can only think it was Milwaukee because they
 2 were up on the east side.
 3 Q Milwaukee, was this your territory, Milwaukee?
 4 A I covered a lot of area, but that was part of
 5 it, yes.
 6 Q At this time were you in supervision?
 7 A Yes.
 8 Q And your supervisory responsibilities at this
 9 time included the insulation division, right?
 10 A Yes.
 11 Q What did you say was the name of the building
 12 again?
 13 A Four Hundred West Building.
 14 Q And can you tell us what building that is?
 15 A I don't know.
 16 Q What do you remember about this job?
 17 A other than what information is given here, I
 18 can only tell you that Roller was a small
 19 contract, probably a small little hot water
 20 heating job. He never handled any big work.
 21 Q Is this contract ledger limited to any
 22 particular types of jobs, such as bid jobs?
 23 A They would all be listed here, bid work, any
 24 contract that was given a number was given a
 25 name, in this case dates, some small

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1 explanation, and that was the system.
 2 Q What about if there was repair work that was
 3 being repeatedly done by L&S Insulation at a
 4 particular place, would all those individual
 5 repair jobs be listed in this contract ledger?
 6 A At that time, yes, almost every job was
 7 listed. Today that's not the case.
 8 Q You say at that time, what, before 1973?
 9 A Probably was listed.
 10 Q Do you have any knowledge of what materials
 11 were used on the contract number 7404?
 12 A No, I don't.
 13 Q Who was responsible for obtaining the
 14 materials?
 15 A Probably Harry Switala, he was the president at
 16 that time and did the purchasing.
 17 Q What about the materials for a particular job?
 18 A A particular job?
 19 Q Yes, a particular job?
 20 A He probably ordered most of everything. I did
 21 the chasing.
 22 Q What do you mean by chasing?
 23 A Supervision, measuring, contacting the men,
 24 delivering.
 25 Q Delivering the materials?

1 A Yes.
 2 Q Who else besides yourself would be doing
 3 delivering of materials at this time in 1963 in
 4 this Milwaukee territory?
 5 A We had a truck driver.
 6 Q When you say delivering materials, as far as
 7 your part in that goes, could you describe that
 8 more for us?
 9 A I drove a truck for convenience, that way I
 10 could move material from job site to job site.
 11 If I were going to a job and I needed a carton
 12 of material, I took it along. I didn't deliver
 13 the entire job. That was done by our drivers.
 14 Q Did you have responsibilities at this time to
 15 make sure the jobs were done correctly?
 16 A Just to some extent.
 17 Q What do you mean to some extent?
 18 A I didn't handle all the jobs.
 19 Q What territory were you handling at this time,
 20 1963?
 21 A It would be impossible to separate them. I
 22 could have been out in the state, I could have
 23 been in Racine, Kenosha, Madison, Fond du Lac
 24 or Milwaukee. I did not handle all the jobs.
 25 Q Jobs that you did handle at this time, 1963,

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1 was it your responsibility to make sure that
 2 they were completed correctly?
 3 A I think so.
 4 Q This job fell within your territory?
 5 A It could have. I was probably more familiar
 6 with Roller than anyone else.
 7 Q Take a look at job 7322.
 8 A 7322, dated 3-8-63, Wenzel and Hensch Company,
 9 660 Office Building, heating insulation.
 10 Q Again the general contractor on this job, was
 11 this another contractor Wenzel and Hensch?
 12 A Wenzel and Hensch were plumbing and heating
 13 contractors.
 14 Q where is the 660 Office Building located at?
 15 A Milwaukee, it's downtown near the IBM Building.
 16 Q What recollection do you have about this job?
 17 A other than it was a heating job and it was done
 18 in '63, I can only assume we probably used
 19 fiberglass.
 20 Q Do you know what materials were used in the
 21 job?
 22 A I can't recall that specifically.
 23 Q Why do you assume it was fiberglass?
 24 A Date.
 25 Q What about the date?

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1 A ~~Well~~, it had, fiberglass was introduced in the
 2 early '50's. It was practical, it reduced our
 3 bids. Everyone wanted to use it and so did we.
 4 Q Do you know what type of work was done at this
 5 particular, on this particular contract?
 6 A It was a heating system. Could be hot water,
 7 could have been another type of system.
 8 Q Was asbestos used on any of the heating
 9 systems?
 10 A If someone had specified it, it could be.
 11 Q If someone had specified, so you don't know
 12 whether or not any asbestos materials were used
 13 on this particular contract, is that what you
 14 are saying?
 15 A I am saying that in 1963 we, the majority of
 16 our material was fiberglass.
 17 Q You don't know in this particular job what
 18 material was used, is that right?
 19 A Nothing is stated there to indicate that to me.
 20 Q What role did you have concerning this job?
 21 A I don't think I ran it.
 22 Q When you say you didn't run it, did you have
 23 any responsibility for this job?
 24 A That means I did not get involved in it, too
 25 close to the office. No, that means.

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1 Q Too close to the L&S office?
 2 A Yes, I always got the ones that were furthest
 3 away.
 4 Q Take a look at number, contract 7703.
 5 MS. ANDERSON: what was that number,
 6 please?
 7 MR. MCCOY: 7703.
 8 A 7703, dated 9-6-64, Board of School Directors,
 9 I presume Milwaukee, South 78th Street
 10 Elementary School. Miscellaneous insulation
 11 work
 12 Q This was another Milwaukee Public School job?
 13 A Yes, one of those small jobs that were under a
 14 thousand dollars. Patching work probably.
 15 Q Do you know what materials were used on this
 16 job?
 17 A I have no idea.
 18 Q You know anything about the job itself?
 19 A Other than it's patching miscellaneous, it's
 20 small, that was the code.
 21 Q What responsibilities did you have concerning
 22 the Milwaukee Public Schools system jobs?
 23 A Only those that were given to me as the jobs
 24 would come up.
 25 Q Did you have any responsibility concerning this

1 job?
 2 A Not that I recall.
 3 Q Did L&S Insulation do asbestos insulating work
 4 sometimes for the Milwaukee Public Schools?
 5 A L&S Insulation used asbestos products if the
 6 Milwaukee School system demanded them.
 7 Q Let's look at contract number 8936, that's
 8 1970.
 9 A 8936, dated 6-5-70, Hoy-Brenner Corporation,
 10 82nd Street School, heating and duct
 11 insulation.
 12 Q Was this job done underneath another
 13 contractor?
 14 A Hoy-Brenner were the heating contractors.
 15 Q So this was a bigger job than the thousand
 16 dollars you indicated, right?
 17 A Yes, direct contract indicated that it was
 18 either an addition or could have been the base
 19 school by the date.
 20 Q Hoy-Brenner was that the general contractor on
 21 the job?
 22 A Heating contractor.
 23 Q Heating contractor?
 24 A Yes.
 25 Q What type of work was involved on this

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1 particular job?
 2 A This indicates to me it was a heating system,
 3 replacement and new and that also there was
 4 duct insulation involved. Ratio might have
 5 been about 30 percent pipe to 70 percent duct.
 6 Q Did you have some responsibilities yourself
 7 concerning this job?
 8 A I do not recall.
 9 Q How long did this job take?
 10 A I don't have the faintest idea. That date
 11 indicates that it was put in our contract
 12 book. If this were a new job it might have
 13 started six months from that date.
 14 Q Were any asbestos materials used for duct
 15 insulation at any time?
 16 A Not to my knowledge.
 17 Q With respect to the pipe insulation work on
 18 this particular job, what type of materials
 19 were used?
 20 A I am going to assume it was fiberglass because
 21 of the date.
 22 Q Well, again you used the word assume. I need
 23 to know whether or not you actually know the
 24 materials that were used?
 25 A I don't know the specific materials, I could

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1 only look at the date.
 2 Q You know where the materials for this job were
 3 obtained from, talking about the pipe
 4 insulation materials?
 5 A Yes, we did most of our purchases through
 6 Building Service and they were an Owens-Corning
 7 fiberglass distributor.
 8 Q Do you know on this particular job whether or
 9 not Building Services supplied the materials?
 10 A If they were fiberglass, I presume they did.
 11 Q What if the materials were asbestos, who would
 12 be supplying that?
 13 A If there was any asbestos on that job it would
 14 have been in the boiler room on the breaching,
 15 probably one tenth of one percent of the job
 16 and that could have been purchased from anyone.
 17 Q Anywhere meaning supply houses?
 18 A Wherever it was available. I could have bought
 19 it. They could have bought it from another
 20 contractor if he had it available. You are
 21 talking ten feet, nine feet of 12 inch, let's
 22 say, for a breaching. That was the only place
 23 logically to use asbestos.
 24 Q You said nine feet of 12 inch?
 25 A I am supposing the size of the breaching, could

1 A There was a generalization that Cal-sil
 2 material had some asbestos in it. I have no
 3 knowledge of percentage and those were all
 4 there was, it was never published. That was a
 5 general term, asbestos, should have been called
 6 calcium silicate.
 7 Q You understood that there was some asbestos in
 8 the Cal-sil material?
 9 MR. TERSCHAN: object to the form of
 10 the question, misstates the testimony.
 11 MR. MCCOY: Is that right?
 12 MR. PENDLETON Same objection.
 13 A I didn't catch the question.
 14 MR. MCCOY:
 15 Q The question was you understood back then that
 16 Cal-sil had some asbestos in it, is that
 17 right?
 18 MR. PENDLETON Same objection.
 19 A I understood, you state it.
 20 Q If you want to go ahead and tell me?
 21 A I'd rather have you say it.
 22 Q Okay, was it your understanding at this time
 23 that back in 1970 that the Cal-sil material had
 24 some asbestos in it?
 25 A It could have.

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1 have been 15 inch and it could have been 12
 2 feet. Breaching off of a boiler is a little
 3 higher temperature and in that time — they
 4 asked for calcium silicate material where today
 5 they'd use glass.
 6 Q At that time the Cal-sil material was asbestos,
 7 is that right.
 8 MR. PENDLETON: objection,
 9 foundation.
 10 A I'd have no way of assuming or determining
 11 that.
 12 MR. MCCOY:
 13 Q What was the material then?
 14 A It was calcium silicate to my knowledge.
 15 Q Who was responsible for procuring the materials
 16 in 1970?
 17 A Harry Switala.
 18 Q Are you saying, Mr. Borchardt, that you don't
 19 know any materials that contain asbestos that
 20 are pipe insulation?
 21 A I am not saying that.
 22 Q Okay. Can you tell me what your understanding
 23 is back at that time the material that
 24 contained asbestos that were pipe insulation?
 25 MR. PENDLETON: objection to form.

1 Q Someone specified asbestos materials back in
 2 1970, would you obtain Cal-sil for pipe
 3 covering?
 4 A Only if it was that specific that they wanted
 5 it on the heating system. certainly would not
 6 be used on plumbing or duct. Would have been a
 7 high temperature to want to use it.
 8 Q Job number 3567, that's 1950.
 9 MR. PENDLETON Can I have that
 10 number again?
 11 A 3557.
 12 MR. MCCOY: 3567.
 13 A Oh, 67, I'm sorry. Job 3567, dated 9-18-50
 14 O. Smith Corporation, locker room, 1st floor
 15 Board. Insulated panel partitions I am
 16 guessing.
 17 Q The material that was used on this job was
 18 Oenesto Board, is that what this ledger
 19 indicates?
 20 A That's what the ledger indicates.
 21 Q Do you have any knowledge to believe that was
 22 Oenesto Board on this job?
 23 A No.
 24 Q Were you involved with this job?
 25 A No.

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1 Q Did ~~this~~ job fall within the jurisdiction of
 2 ~~the roofing division~~?
 3 A Yes.
 4 Q ~~Had~~ you ~~came~~ to work for L&S by this time?
 5 A ~~Yes~~, I ~~started~~ in January of '50.
 6 Q Did you have any role as far as supervision or
 7 estimating on this job?
 8 A I could have estimated, I don't ~~think~~ I
 9 supervised it.
 0 Q In ~~order~~ to ~~estimate~~ the job you would have to
 1 figure the ~~materials~~ cost, is that right?
 2 A ~~That's true~~.
 3 Q In order to figure ~~the~~ materials cost, you'd
 4 have to ~~know~~ the materials to be used, right?
 5 A ~~That's correct~~.
 6 Q ~~Was~~ there ~~Cemesto~~ Board at this time being
 7 supplied by Kesby & Mattison?
 8 A ~~That's the thing that I couldn't recall~~
 9 previously and I don't know that they supplied
 10 it. I ~~think~~ it was another manufacturer.
 11 Q Who do you ~~think~~ supplied it?
 12 A When I find out I ~~am~~ going to give our attorney
 13 ~~the name~~.
 14 Q This ~~Cemesto~~ Board have to be cut on the job?
 15 A Probably very little, ~~the sheets were usually~~

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1 ~~ordered to size~~.
 2 Q when it ~~was cut~~, did it have to be sawed?
 3 A Yes.
 4 Q ~~Do you know how much cutting was involved on~~
 5 ~~this particular job~~?
 6 A No way of ~~knowing~~. I ~~can~~ state for ~~the~~ record
 7 that most all cutting ~~Cemesto~~ or cormgated
 8 asbestos ~~was done outside~~.
 9 Q What do you ~~mean~~ by outside?
 0 A Out ~~in the~~ fresh air, exterior to the building.
 1 Q ~~How~~ do you know that?
 2 A Because that was the practice, that was
 3 standard. ~~Cement~~ asbestos board has a lot of
 4 cement in it, it was ~~dusty~~.
 5 Q Did you have to cut openings for electrical
 6 ~~outlets and-~~
 7 A I doubt it.
 8 Q ~~Get~~ fitted around different things?
 9 A They usually accomodated the steel to the sizes
 10 of the ~~sheets~~ available.
 11 Q What do you mean by that?
 12 A ~~Well~~, if they have a ten foot wall they'd put
 13 in three girth and we'd put in a ten foot
 14 sheet. There would be no ~~reason~~. If they
 15 wanted nine-six, you'd cut ~~six inches off~~.

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1 Q What was the purpose of ~~the Cemesto~~ Board
 2 usually?
 3 A To partition a wall.
 4 Q ~~Go~~ to number 3622.
 5 A 3622, dated 11-9-50, A. O. Smith Corporation,
 6 dock storage building, ~~Cemesto~~ Board.
 7 Q ~~Were~~ you responsible for estimating this job?
 8 A No, ~~sir~~.
 9 Q Did you have any responsibilities concerning
 0 this particular job?
 1 A None that I can recall.
 2 Q Did you have any ~~reason~~ to believe there ~~was~~
 3 not ~~Cemesto~~ Board used on this job?
 4 A No reason at all.
 5 Q What recollection do you have about this job,
 6 if any, other than what's indicated in the
 7 ledger?
 8 A I have ~~none~~, but since it says dock storage
 9 building I presume they used these as exterior
 0 walls.
 1 Q Where is this located at this particular A. O.
 2 Smith Corporation location, do you know?
 3 A What part of ~~the~~ plant?
 4 Q what?
 5 A I haven't the faintest idea.

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1 Q Where is this plant located at?
 2 A ~~On the north~~ side of Milwaukee, 27th Street to
 3 35th Street and then ~~north~~ and south.
 4 Q ~~Take~~ a look at contract number 4125.
 5 A 4125, no date, A. O. Smith Corporation, bomb
 6 pin plant, flat asbestos board work. ~~"there's a~~
 7 ~~date at the bottom~~ of the other sheet. 5-5-52.
 8 Q Is this the ~~same~~ location for A. O. Smith?
 9 A ~~Same~~ property.
 0 Q When it says bomb ~~pin~~ plant?
 1 A They made bombs at A. O. ~~Smith~~, bomb pin plant.
 2 Q What does the ~~term~~ flat asbestos board work
 3 mean?
 4 A That ~~means~~ it was a single sheet of asbestos,
 5 flat asbestos board, had no filling, and could
 6 ~~be~~ used as a wall, exterior wall partition,
 7 could be used for a lot of things.
 8 Q Do you know ~~in this~~ particular job what it was
 9 used for?
 0 A No, I don't know.
 1 Q ~~Was~~ this under the roofing division's
 2 jurisdiction?
 3 A Yes.
 4 Q Did you estimate this job?
 5 A No, I did not.

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1 Q Who was doing estimating for the roofing
 2 division at this time?
 3 A Mr. Howard Redlich.
 4 Q when did you become involved with the
 5 insulation division?
 6 A It was a gradual thing, it probably occurred
 7 from '56 through '59 period I did some work for
 8 both divisions.
 9 Q During that transition period?
 10 A During that transition period, yes.
 11 Q All right. Contract number 7893, 1965.
 12 A Contract 7893, dated 8-26-65, A. O. Smith
 13 Corporation, building 101, steam pipe
 14 insulation.
 15 Q Is that also at that same location?
 16 A Yes, it is.
 17 Q what does that mean when it says steam pipe
 18 insulation?
 19 A That means they insulated some high temperature
 20 steam lines which was very common at A. O.
 21 Smith.
 22 Q That high temperature line would normally call
 23 for the Cal-sil type of insulation?
 24 A Not necessarily. I think they were also cost
 25 effective at that time, probably used

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1 fiberglass. Lots of this type of work was way
 2 up in the air 30, 40 feet.
 3 Q Do you know, were you involved with the
 4 estimating on this job?
 5 A I don't, I can't specifically tell you that.
 6 Q What responsibilities did you have for this
 7 job?
 8 A I don't think I had any for it.
 9 Q Did you have any knowledge what materials were
 10 used on the job?
 11 A This doesn't tell me anything.
 12 Q Were these contracts for A. O. Smith drafted
 13 directly with A. O. Smith?
 14 A In that case, yes. Anytime they are written
 15 there it was a direct bid.
 16 Q Who handled the contracting work for A. O.
 17 Smith at this time?
 18 A Bernie Underberg.
 19 Q During this time for L&S Insulation who was
 20 dealing with Mr. Underberg?
 21 A Who was dealing with him?
 22 Q Right. Who was the one that was getting the
 23 jobs from him?
 24 A I'm sorry?
 25 Q I am talking about who at L&S was the contact

1 with Bernie Underberg?
 2 A I am misunderstanding something, I'm sorry.
 3 Q Normally there's some business relationship
 4 between the contract manager at one of these
 5 companies, like Mr. Underberg?
 6 A Mr. Underberg worked for us.
 7 Q I'm sorry, I thought he worked for A. O. Smith?
 8 A No, who it is at A. O. Smith I wouldn't be able
 9 to remember.
 10 Q Contract number 5918, that's also '57.
 11 A Contract 5918, dated 10-3-57, A. O. Smith
 12 Corporation, building 104, steam pipe
 13 insulation.
 14 Q What responsibilities did you have for that
 15 Contract?
 16 A None, to my recollection.
 17 Q Do you know what type of materials were used
 18 for that insulation work?
 19 A I can't tell you.
 20 Q Contract number 5934, 1957.
 21 A Contract 5934 dated 10-22-57 A. O. Smith
 22 Corporation, building 108, comigated asbestos
 23 board.
 24 Q Did you estimate this job?
 25 A No, I did not.

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1 Q What recollection do you have about the job?
 2 A I am pretty sure that was a roof, the entire
 3 building was roofed with corrugated asbestos
 4 board. It's still there.
 5 Q Contract number 5706, 1957.
 6 A A. O. Smith Corporation building 113, annex A,
 7 office area, steam pipe insulation.
 8 Q What responsibility did you have on that job?
 9 A I'm sorry, that was dated 4-16-57. None to my
 10 recollection. That was handled by Mr.
 11 Underberg.
 12 Q Do you know what materials were used on the
 13 job?
 14 A I can't tell you.
 15 Q Contract 5910.
 16 A Contract 5910, dated 9-30-57, A. O. Smith
 17 Corporation, building 113, steam pipe
 18 insulation.
 19 Q Do you have any knowledge of the materials on
 20 that job?
 21 A No, I don't.
 22 Q Were you involved with the-- let me withdraw
 23 that. Did you have responsibility for any of
 24 the jobs that were done by L&S for A. O. Smith
 25 prior to 1973?

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1 A **Probably not.** I **might** have gone out and helped
 2 Bernie or something, but he generally handled
 3 those **accounts**, or that account.
 4 Q You would have **no** knowledge of the materials
 5 that **were** used on the jobs at A. O. Smith other
 6 than **what's** stated in the ledger, is that
 7 **correct**?
 8 A **There was nothing** stated other than it was
 9 **steam** pipe insulation, could have been
 10 anything.
 11 Q And you **have** no knowledge about any of those
 12 **steam** pipe insulation jobs what the **materials**
 13 actually were at A. O. Smith?
 14 A **Only when** the **date starts** getting into close to
 15 the early '50's, they might have accepted glass
 16 there and they might not have. As you **get** up
 17 in **dates** then it's almost positive that it's
 18 glass.
 19 Q **Let's take** for instance contract number 9078,
 20 that's '71.
 21 A **9078 dated** 1-22-71, A. O. Smith Corporation,
 22 **building 51**, **steam** pipe insulation.
 23 Q On that particular job do you know what the
 24 materials were?
 25 A I don't, other than the **date** tells me that it

1 A I thought it was common knowledge.
 2 Q I **am** asking what is the basis for your
 3 knowledge?
 4 A Just that the manufacturers had stopped
 5 manufacturing it.
 6 Q **In 1971**?
 7 A No, in '70, our stock was **so** minimal we threw
 8 it all out.
 9 Q Again, what's **the** basis though for your
 10 knowledge, where did you **get** this knowledge
 11 that in 1970 there was **no** more **asbestos** in
 12 Cal-sil?
 13 A They were ordered not to **use** asbestos.
 14 Q By whom?
 15 A I **presume** the government.
 16 Q Did you have any other knowledge or any other
 17 basis for your statement that there was **no**
 18 **asbestos** in Cal-sil in 1970 or 1971?
 19 A No.
 20 Q **Was** Cal-sil **the** type of insulation that was
 21 used on the **steam** pipes for the A. O. Smith
 22 jobs?
 23 MR. TERSCHAN: objection, totally
 24 broad, **time frame**.
 25 MR. MCCOY:

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1 was probably **all fiberglass**.
 2 Q But you don't know what materials were actually
 3 used, is that right?
 4 A That's a **year** after it was, **asbestos** was
 5 eliminated, **so** I can only assume that was
 6 **fiberglass**.
 7 Q Just **assumption** on your part, **right**?
 8 A **No**, I know it was eliminated, if it was **Cal-sil**
 9 it had **no** **asbestos** in it.
 10 Q After **some** point in time, **right**?
 11 A After the **early** '70's.
 12 Q Do you know for **sure** whether **asbestos** was
 13 eliminated from Cal-sil by 1971?
 14 A That **date** I **am** **sure** is available as a fact, but
 15 I can't **give** you that exact date, manufacturers
 16 should, they **are** able to.
 17 Q **So just to** clarify, in 1979 you don't know, I'm
 18 sorry, let me withdraw that. Just to clarify,
 19 in 1971 you don't know whether or not **asbestos**
 20 **was** still used in Cal-sil, is that **right**?
 21 A **To my knowledge** it **was** not, and by that **date**
 22 I'd have to assume we were using fiberglass on
 23 **steam pipe** at A. O. Smith.
 24 Q **What is** the basis for your knowledge that there
 25 **was no** **asbestos** in Cal-sil in 1971

1 Q **Before 1973**?
 2 A **If** they specified it, if they asked for a
 3 **Cal-sil** product or demanded it, they'd get it,
 4 if they specked fiberglass they'd get
 5 **fiberglass**. But Cal-sil cost a lot **more**.
 6 Q Did the A. O. Smith jobs, were those jobs on
 7 which the company, A. O. **Smith**, specified the
 8 materials or did L&S pick the materials?
 9 A They specified the materials and they took bids
 10 on the job, low bidders received **the** work.
 11 Q contract number **8264, 1967**.
 12 A **82**?
 13 Q **8264**, right.
 14 A **8264**, dated 5-26-67, **Northern** Plumbing and
 15 Heating Incorporated, AT&T Waukesha, heating,
 16 plumbing, duct Insulation.
 17 Q That was a job subcontracted for Northern
 18 Plumbing?
 19 A Yes, **sir**.
 20 Q Where was this job done at?
 21 A **AT&T building** in Waukesha.
 22 Q What responsibilities did you have for **this**
 23 job?
 24 A I don't recall it.
 25 Q **Was this within** your territory?

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1 A **Lots of** people could have handled it.
 2 Q Do you know who handled AT&T?
 3 A Well, it **was** either Mr. Redlich or Mr.
 4 Underberg.
 5 Q As far as what part of the work goes?
 6 A **could** have **been** all of it, plumbing, heating,
 7 duct insulation.
 8 Q Did you have any responsibility at all in
 9 connection with this particular job?
 10 A Not to my knowledge.
 11 Q Do you have any knowledge about the materials
 12 that were used on the job?
 13 A I can assume that since, no, I know the
 14 plumbing was fiberglass, the duct insulation
 15 was fiberglass. That makes me assume that the
 16 heating was fiberglass.
 17 Q That was just assuming again. My question is
 18 do you know what materials were used?
 19 A No, I don't.
 20 Q Contract number 8331.
 21 A 8331, J. F. Ahern, AT&T Watertown, Wisconsin,
 22 heating, plumbing, duct insulation.
 23 Q This was a subcontract for J. what?
 24 A J. F. Ahern out of Fond du Lac, Wisconsin.
 25 Q Where is this particular location?

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1 A Watertown, Wisconsin.
 2 Q Do you know what materials were used on the
 3 heating part of this job?
 4 A No, I don't. This could have been one of those
 5 small little transfer tower buildings that they
 6 put up for a while.
 7 Q Did you have any responsibility for the job?
 8 A If I did, I don't recall it.
 9 Q Contract number 5696, 1957.
 10 A 5696, dated 4-8-57, Adelman Laundry 709 East
 11 Capitol Drive, hot and cold water pipe
 12 insulation.
 13 Q What responsibilities did you have on that job?
 14 A I don't recall that I handled it, it could have
 15 been Fred Hansen.
 16 Q Do you know what materials were used in the hot
 17 water pipe insulation?
 18 A Well, it was either fiberglass or Woolfelt.
 19 Q Do you know which one?
 20 A I am only assuming that if it was a hot line
 21 would be fiberglass. On a cold water line at
 22 that time frame they would have used Woolfelt.
 23 Q Was asbestos ever used in the hot water lines
 24 at this time?
 25 A Not if they used fiberglass, they, someone

1 could have specked Air-cell.
 2 Q So it could have been Air-cell?
 3 A Yes, it could have been.
 4 Q Who supplied the Woolfelt to L&S Insulation?
 5 A It's in some of those other depositions, I
 6 think it was Triple A out of Chicago.
 7 Q Who was supplying the Air-cell at this time?
 8 A They were.
 9 MR. TERSCHAN: They —
 10 MR. MCCOY:
 11 Q Triple A?
 12 A Triple A, yes.
 13 Q Contract number 6266, that's 1959.
 14 A Contract 6266, 2-17-59, Oilright Corporation
 15 2320 Wall Boulevard, Cemesto Board
 16 Q Is that Milwaukee?
 17 A I don't know.
 18 Q Did you have any responsibility on this job?
 19 A Not that I can recall.
 20 Q Do you have any recollection what the type
 21 work was involved for this job?
 22 A It was panel work, Cemesto panels.
 23 Q All right. Contract number 4072?
 24 A I'm sorry?
 25 Q 4072. 1952.

1 A Contract 4072, dated 2-21-52 Selzer
 2 Company, Allen Bradley, Cemesto Board
 3 Q Where is this place located at?
 4 A I'm sure a part of the existing Allen Bradley
 5 Building. Now it has another name.
 6 Q In Milwaukee?
 7 A Milwaukee.
 8 Q All right. What responsibilities did you have
 9 on this job?
 10 A Nothing that I can recall.
 11 Q What type of work was involved on this job?
 12 A Cemesto Board panels, partitions, exterior
 13 exterior walls, could have been anything.
 14 Q What do you mean when you say that?
 15 A Flat extended area off of a roof or off of a
 16 wall line. Used it because it was concrete
 17 asbestos board and it wouldn't rot.
 18 Q You mean a flat extended area, you mean a
 19 extended box?
 20 A Yes, could have been an area above a window
 21 windows, that's another application, or a
 22 complete wall.
 23 Q Contract number 6098 which is 1958
 24 A Contract 6098, dated 5-27-58 The Milwaukee
 25 Allen Bradley, cold water pipe insulation

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1 Q Would that be Woolfelt, the material used at
2 that time?

3 A Yes.

4 Q Or fiberglass, which was more common at this
5 time?

6 A Well, '58 it could have been either one.

7 Q Was Cemesto Board ever used to insulate ducts?
8 MR. TERSCHAN: what Cemesto Board are
9 we talking about in particular?

10 MR. MCCOY:

1 Q I am talking about just in general, was Cemesto
2 Board ever used to insulate ducts?

3 A Not to my knowledge.

4 Q okay. Contract number 5449.

5 MR. SULLIVAN: How many of these
6 contracts do you plan reviewing and do you plan
7 on finishing today?

8 MR. McCoy: I am trying to go through
9 as many as I can.

10 MR. SULLIVAN: Right, so how many do
1 you have?

2 MR. McCoy: Quite a few in here.

3 MR. SULLIVAN: Are there a thousand
4 in here?

5 MR. McCoy: I am sure there are

1 or four columns of information you want, all?
2 you have any role in it, yes-no, what it was,
3 and then we go on from there, I'd do that for
4 you and then you can come back and ask what
5 questions you want, I suppose. But, you know
6 I don't want to foreclose you, I don't even
7 want to make you do it that way. But it just
8 seems like it's an awful waste of time for
9 everybody.

10 MR. PENDLETON: Just along the same
1 lines, for instance if you are asking questions
2 about Allis Chalmers I imagine there's only
3 maybe one attorney who cares about Allis
4 Chalmers or maybe no attorneys who care about
5 Allis Chalmers and you could just designate an
6 afternoon that you are going to deal with Allis
7 Chalmers. That way everybody can be here for
8 that deposition or stay away.

9 MR. McCoy: well, that's I think the
10 purpose of this is to accomplish exactly what
11 you are talking about, which is if someone
12 needs to be present they are present and
13 that's, I can't see doing it any other way.
14 I was at some point in time going to ask for
15 more general questions, but I don't know

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1 several hundred.

2 MR. SULLIVAN: Are there any other
3 lines of inquiry other than these contract
4 questions?

5 MR. McCoy: There maybe. I need to
6 do a few more contracts to find out.

7 MR. SULLIVAN: can we maybe agree to
8 a quitting time today and then continuing on
9 another day? You are obviously not going to
10 finish today.

1 MR. McCoy: I have no problem with
2 that.

3 MR. TERSCHAN: I don't know what you
4 want do do, Bob, but I mean I could make a
5 suggestion. I don't know if it fits within
6 your plans. Rather than have everybody sit
7 here through this process, and going through
8 each one of these contracts, if you want to
9 make up a little list and list the contract
10 numbers because the questions all seem to be
1 the same. I mean it wouldn't foreclose you
2 from coming back and asking something. But
3 this is not only boring but stupid, to be very
4 honest, if you want to sit there, and if you
5 list the contract numbers and, you know, three

1 Borchardt could answer those questions.

2 MR. PENDLETON: For the record,
3 have been here two hours now, just to
4 clear as to how long we have been going on
5 line.

6 MR. McCoy: Right.

7 MR. DRUMKE: On behalf of me and
8 I could ask Mr. Borchardt about some of the
9 and figure out if I need to be here and then
10 apparent it has nothing to do with my question
1 that my client distributed. And I would like
2 an opportunity to do this, so I don't want to
3 more of my client's time or money.
4 I noticed up the deposition and you have
5 to proceed until you finish. Some of the
6 defendants may be in the same position.
7 If you wouldn't mind passing the witness list
8 half hour, we could probably clear out the
9 room with most everybody here.

10 A Off the record I don't need the computer.

11 MR. MCCOY: If someone has some
12 questions to ask and they are short and
13 want to waive presence at some future
14 continuation of this deposition, I have no
15 problem with that.

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1 MR. DRUMKE: Frank, is that all right
 2 with you?
 3 MR. TERSCHAN: Fine with me.
 4 MR. DRUMKE: My name is Mike Drumke,
 5 I represent A. W. Chesterton.
 6 Q Have you ever heard of that company before?
 7 A No.
 8 Q At any the has L&S Insulation ever distributed
 9 or installed asbestos containing gasket
 10 material?
 11 A No.
 12 Q At any the has L&S Insulation ever installed
 13 or distributed asbestos containing packing
 14 material?
 15 A Not to my knowledge.
 16 Q Can you describe generally the work of L&S
 17 Insulation in terms of the products it handled
 18 and worked with?
 19 A We were insulators for plumbing heating and
 20 ventilating systems, heavy in ventilating,
 21 because it was a wide open market. We did very
 22 few power plants, very few large jobs. We just
 23 bid a lot of new buildings.
 24 Q Was L&S Insulation in the business of pipe
 25 fitting at all?

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1 A Not at all.
 2 MR. DRUMKE: I have no other
 3 questions. Thank you, Bob.
 4 MR. SULLIVAN: Joe Sullivan, I
 5 represent a company that also sold manufactured
 6 packing products, John Crane.
 7 Q Does that company mean anything to you?
 8 A No.
 9 Q Would you have ever used or sold any of those
 10 products?
 11 A I never heard of it.
 12 MR. SULLIVAN: Thank you very much.
 13 MR. ROSENBERG: Michael Rosenberg.
 14 Q Did L&S work at any power plants?
 15 A No major work, we might have, we might have
 16 accomplished some repair work through small
 17 contractors that might have had isolated little
 18 repair jobs. Other than that we did the
 19 exterior walls for units one, two and three at
 20 Oak Creek.
 21 Q Did you do work at Oak Creek other than units
 22 one, two and three?
 23 A I don't think so.
 24 Q To your knowledge did L&S ever work on the
 25 power generating turbines at any power plant?

1 A No, that was our field.
 2 MR. ROSENBERG: I have nothing
 3 further.
 4 MR. HUSTON: James L. Huston.
 5 A Yes.
 6 Q Did you, did L&S ever use any asbestos
 7 containing products manufactured by GAF
 8 Corporation?
 9 A That does not mean anything to me. I don't
 10 know that.
 11 Q You don't know the name GAF Corporation?
 12 A No.
 13 Q As far as you know, you never used any products
 14 by GAF corporation?
 15 A No.
 16 Q Did L&S ever use any asbestos containing
 17 product manufactured by the Dana Corporation?
 18 A Again no.
 19 Q Did L&S ever use any products manufactured by
 20 Gasket Holdings Incorporated which contain
 21 asbestos?
 22 A No.
 23 Q Did L&S ever use any products containing
 24 asbestos made by the Rhone-Poulec AG Company?
 25 A No.

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1 Q Did L&S ever use any product containing
 2 asbestos made by the A. P. Green Industries
 3 Incorporated?
 4 A I have heard that name but I don't think we
 5 used any of their products.
 6 Q To the best of your knowledge you didn't use
 7 any A. P. Green products?
 8 A That's true.
 9 Q Did L&S ever use any products containing
 10 asbestos made by the United States Gypsum
 11 Company?
 12 A No.
 13 Q Did L&S ever use any asbestos containing
 14 products made by the National Gypsum Company?
 15 A Not to my knowledge they didn't.
 16 Q Did L&S ever use any products containing
 17 asbestos manufactured by Pittsburgh Corning
 18 Corporation other than Uni-bestos?
 19 A other than Uni-bestos, no.
 20 Q You did occasionally use Uni-bestos, is that
 21 correct?
 22 A I have heard that name, that would have had to
 23 come though a supplier, we did not purchase
 24 direct.
 25 Q Do you have any knowledge of any job on which

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1 L&S used Uni-bestos?

2 A It would be impossible, I couldn't, the
3 quantities were so *small* on these jobs and it
4 could have been Johns Manville, it could have
5 been Atlas, it could have been whoever
6 manufactured it, Owens-Corning, and it could
7 have been that I picked it up from a
8 competitor. The quantities were so small, they
9 were never carload quantities or truckload
10 quantity, they were just small.

1 Q If we were going to go through each of the
2 contracts in exhibits one through four and I
3 asked you as to each of them, can you remember
4 using Uni-bestos on this job, would you be able
5 to answer that question?

6 A No, oh, I could answer it that I do not know.

7 MR. HUSTON: Thank you. I have no
8 other questions. Thank you very much.

9 MR. WESTON: Sir, my name my is James
10 Weston, I just have a couple questions.

11 Q Did you ever, L&S Insulation ever use any
12 asbestos textile materials?

13 A Tile?

14 Q Textile?

15 A Textiles, asbestos cloth?

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1 Q Yes, sir?

2 A Perhaps a small quantity, very minute. We
3 never stocked it. It would have been a random
4 thing.

5 Q Do you recall the manufacturers, suppliers of
6 any of that cloth you might have used?

7 A No.

8 MR. WESTON: That's all I have.

9 MS. FRY: My name is Kristi Fry and I
10 represent a company called Garlock.

1 Q Have you ever heard of them?

2 A No.

3 Q To your knowledge did L&S ever use any of their
4 products?

5 A What products?

6 Q Garlock's products?

7 A I mean what did they do, what did they make?

8 Q Gaskets.

9 A What?

10 Q Gaskets.

11 A No.

12 MS. FRY: Thank you. That's all I
13 have.

14 MR. LONGUA: My name is Mark Longua.

15 Q Have you ever heard of API?

1 A API out of St. Paul?

2 Q St. Paul.

3 A Yes.

4 Q Did you ever acquire any asbestos containing
5 products from API?

6 A Absolutely not.

7 Q Do you know of any job sites L&S would have
8 worked at that API was present at?

9 A I can't recall what.

10 Q Are you familiar with Bay insulation?

11 A As a supplier.

12 Q Did you ever buy asbestos containing products
13 from Bay Insulation?

14 A I don't think they handle it.

15 Q Did you ever work in conjunction with Bay
16 Insulation?

17 A No.

18 Q How about Taylor Insulation?

19 A They are a competitor.

20 Q Have you ever worked in conjunction with Taylor
21 Insulation?

22 A No.

23 Q You ever acquire any asbestos containing
24 products from Taylor Insulation?

25 A Doubt it would definitely seem logical.

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1 MR. LONGUA: I have nothing further.

2 MR. FELDBRUEGGE: My name is John
3 Feldbruegge, I represent Wisconsin Electric.

4 Q You indicated just a short time ago that you
5 did recall doing some work at Oak Creek?

6 A Outside panels.

7 Q The outside panels?

8 A That's all.

9 Q Do you know what kind of material was used to
10 insulate the outside panels?

11 A That was an insulated asbestos panel similar to
12 asbestos board, interior wall and then
13 corrugated asbestos panel.

14 Q Do you know from whom that was purchased?

15 A The name on it says Cemesto panels, Kesby
16 Mattison furnished it, the company located--

17 Q Kesby?

18 A Kesby and Mattison.

19 Q Can you spell that?

20 A K-E-S-B-Y, M-A-T-T-I-S-O-N.

21 Q And that product was used on Oak Creek units
22 one, two and three?

23 A To my knowledge, to my recollection, yes.

24 Q And none of the others?

25 A None of the others.

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1 Q Was it used-- strike that. Did you do any work
2 at any other Wisconsin Electric facilities
3 other than units one, two and three at Oak
4 Creek?
5 A Little patch jobs here and there for any
6 specific, never had any large work there.
7 Q You have any specific recollection of materials
8 that were used for any of those small patch
9 jobs, as you call them?
10 A Well, they were done after. There was no
11 asbestos. We were not the favorite sons.
12 Q So you don't, you did not do any work on any of
13 these patch jobs prior to the early '70's?
14 A To the best of my knowledge I don't recall any.
15 Q And because of the time frame you believe then
16 that any of the patch jobs would have been a
17 product other than asbestos?
18 A I think so.
19 MR. FELDBRUEGGE That's all.
20 MR. ANDERSON: Mr. Borchardt, my name
21 is Kurt Anderson, I also represent Wisconsin
22 Electric Power Company. I just have one
23 question for you, I believe. Do you recall
24 when it was that your company did the work on
25 units one, two and three at the Oak Creek power

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1 plant?
2 A No, it was exterior walls, so it was when they
3 were built.
4 Q Do you have any idea when this was, even by
5 decade?
6 A No, if I was just lucky enough to hit it in
7 here, it would be in here somewhere.
8 MR. ANDERSON That's all I have.
9 Thank you.
10 MR. HUSTON: I have a couple of other
11 questions.
12 Q Did you, did L&S use any products manufactured
13 by Rubberoid?
14 A Rubber people?
15 Q Well, it's spelled like that.
16 A No, Rubberoid to me was like a foam plastic
17 material and yes, we used similar to h-a-f-l-e-x
18 or any of those others. We probably could have
19 used them.
20 Q Did those products contain asbestos products
21 that you used?
22 A No, they don't.
23 Q Did you ever use gaskets called Flexitalic
24 gaskets?
25 A No.

1 MR. HUSTON That's all.
2 MR. PENDLETON: we have been going
3 over two hours. Can we take a five, ten minute
4 break?
5 MR. MCCOY: Fine. I say we come back
6 in, I will continue and I guess we will quit at
7 5:00, so is that okay?
8 (whereupon a brief recess was taken.)
9 MR. HUSTON Jim Huston again.
10 Q Did L&S industries use any asbestos containing
11 product manufactured by Armstrong World
12 Industries?
13 A No, L&S insulation.
14 Q I'm sorry.
15 A Okay.
16 MR. HUSTON That's all.
17 MR. DIXON My name is Joe Dixon, I
18 represent AC&S which is also known as Armstrong
19 Contracting and Supply company Inc.
20 A Yes.
21 Q And I think as you know they were at one time a
22 contracting company located in Milwaukee?
23 A Yes, sir, competitor.
24 Q Do you recall that you ever purchased any
25 materials from AC&S?

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1 A No.
2 Q Do you recall that you were ever on any job
3 location on which they were also present?
4 A Could have happened.
5 Q You have no specific recollection?
6 A I have no specific knowledge.
7 MR. DIXON: okay, thank you. I have
8 no further questions.
9 MR. PENDLETON: My name is Alexander
10 Pendleton and I represent Briggs and Stratton
11 Corporation in this lawsuit?
12 A Okay.
13 Q Do you have any knowledge as to whether L&S
14 Insulation ever sold or supplied any insulating
15 materials to a Briggs and Stratton owned
16 facility?
17 A Whether we furnished or supplied?
18 Q Sold or supplied?
19 A Sold, no. We contracted with Briggs, but we
20 didn't sell them any material.
21 Q You contracted with them. Do you know, do you
22 have any personal knowledge as to whether L&S
23 Insulation ever in the process of fulfilling a
24 contract with them supplied any asbestos
25 containing materials to a Briggs and Stratton

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1 owned facility, supplied or installed I should
2 say?

3 A I don't **think** so. It was mostly retrofit work,
4 glass, and **that**, to my knowledge, we didn't.

5 Q Do you know if you ever, if L&S Insulation ever
6 sold **or** supplied **asbestos** containing materials
7 to **some** other contractor for use or
8 **installation** at a Briggs and Stratton facility?

9 A No, we only purchase for our **own** use.

10 MR. PENDLETON: I don't have any
1 other questions today. I will leave, Bob, if
12 you want to ask some **questions** about Briggs and
13 Stratton contract entries, if there **are** any
14 later, I will be happy to **come** back for that.

15 MR. McCoy: I **will** be asking
16 **questions** about them, so.

17 MR. PENDLETON: Today or **some** other
18 day?

19 MR. MCCOY: Might come up today, it's
20 on page 11.

21 MR. PENDLETON: what page are we to
22 **now**?

23 MR. MCCOY: You are welcome to ask
24 him. I have got the list **right** here. We are
25 on page six and a half.

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1 MR. PENDLETON: You have **the** contract
2 numbers in front of you for Briggs and
3 **Stratton**?

4 MR. McCoy: Right, according to our
5 computer, **yes**, it's **right** here.

6 MR. PENDLETON: You mind if I do
7 that?

8 MR. MCCOY: There's a **list** of them
9 **right** there.

10 MR. PENDLETON: okay, let's go
1 through these quickly, Mr. Borchardt.

2 Q **Number 5062**?

3 A **5062**, dated 7-20-55, Dispatch Iven Company,
4 **Briggs** and **Stratton** corporation, duct and fan
5 **Insulation**.

6 Q Do you have any knowledge as to whether **that**
7 **was** **asbestos** containing insulation?

8 A It had **no** **asbestos**. It was a mineral board
9 **material**.

10 Q **Contract number 5936**.

11 A **10-28-57, 5936**, Infratrol Electric Oven, **Briggs**
12 and **Stratton** oven **Insulation**.

13 Q Do you have any knowledge as to whether **that**
14 **was** an **asbestos** insulation?

15 A I have **no** knowledge that **that** was **asbestos**.

1 Q Next **one** is **8205**?

2 A **8205**, dated 3-1-67, Downey Heating Company,
3 Briggs and Stratton duct insulation.

4 Q Would that have been **asbestos** containing
5 **Insulation**?

6 A Absolutely not.

7 Q Next one is **9579**, contract **number 9579**.

8 A Another book.

9 Q For **the** **sake** of other counsel it looks like
0 there **are** about **15** entries here relating to
1 Briggs and Stratton on **the** **list** provided by the
2 plaintiffs counsel.

3 A Contract **9579**, dated 2-16-73 Grunau
4 Incorporated, Briggs and Stratton, heating and
5 plumbing **Insulation**.

6 Q That involve **asbestos** containing insulation?

7 A Not to my knowledge.

8 Q With **the** **date** of **1973**, would it be **fair** to say
9 that's probably not **asbestos** containing
0 insulation?

1 MR. MCCOY: object to **the** foundation
2 on that question.

3 A **From** **that** dates it probably was **fiberglass**.

4 MR. PENDLETON

5 Q Next is **9638**, contract **number 9638**.

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1 A That contract **number** dated 5-3-73, the Downey
2 company, Briggs and Stratton duct insulation.

3 Q That job contract involve **asbestos** containing
4 materials?

5 A Impossible, '73.

6 Q counsel, are you following along this list
7 here?

8 MR. MCCOY: Uh-huh.

9 MR. PENDLETON: I **see** for the next
0 **let's** **see** **one**, two, three, four, five, **six**,
1 **seven**, eight, **nine**, **ten**, **11**, **12** entries, on
2 your list, **all** of **those** are dated 1973 or after
3 up to 1979, does that, can I just ask him for
4 any contract **number** that is dated after 1973?

5 MR. MCCOY: You can ask him if any of
6 **the** **contracts** **Briggs** and **Stratton** had **asbestos**
7 as far as I **am** **concerned**, but I will object to
8 any foundation for his knowledge of what is in
9 some of these jobs.

0 MR. PENDLETON

1 Q Okay. For any contract **number** that has a date
2 1973 or after, if we were to look at that, go
3 through exhibits one through four here, would
4 your testimony be that it would be impossible
5 for those to be **asbestos** containing materials

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1 being supplied by L&S Insulation?
 2 MR. McCOY: objection as to
 3 foundation.
 4 A It would have been impossible for us to
 5 purchase it.
 6 MR. PENDLETON
 7 Q Or supply it?
 8 A Or supply it.
 9 Q Could you take a look at contract number 5056.
 10 A It's in this book.
 11 MR. TERSCHAN: okay.
 12 A All right, Contract 5056, dated 7-15-55, the
 13 Mag company, Briggs and Stratton Corporation
 14 cold water pipe insulation.
 15 Q That would be, have involved asbestos
 16 containing Insulation?
 17 A Unlikely, it would have been Woolfelt or
 18 fiberglass, probably Woolfelt.
 19 Q Okay just so your answer is clear, let me ask
 20 it again. Would that job have involved
 21 asbestos containing insulation?
 22 A No.
 23 Q Next contract number 6846.
 24 A Date, umtract dated 3-3-61, Modern Equipment
 25 Company, Briggs and Stratton Corporation,

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1 Briggs and Stratton Company miscellaneous
 2 insulation work.
 3 Q Would that have involved asbestos containing
 4 insulation?
 5 A No, they prefabricated ovens, that was all a
 6 mineral type material.
 7 Q Next contract number is 9814.
 8 A Okay, contract 9814, dated 1-2-74, Grunau
 9 Company, Briggs and Stratton heating and duct
 10 insulation?
 11 Q Fair to say that job wouldn't have involved
 12 asbestos ——— insulation.
 13 MR. McCOY: same foundation
 14 objection.
 15 A Impossible for us to purchase it, no. The
 16 answer is no, it couldn't have.
 17 MR. PENDLETON
 18 Q Next one is contract number 9983?
 19 A Gee, we did a lot of work for your company,
 20 dated 5-13-74, the Downey Company, no, I'm
 21 sorry, wrong one. What was the number?
 22 Q Contract number 9983?
 23 A 9983, dated 10-25-74, Briggs and Stratton
 24 Corporation, 124th and Burleigh, process pipe
 25 insulation.

1 Q That job involve asbestos containing
 2 Insulation?
 3 A No, '74, would have been fiberglass.
 4 Q Last one contract number 8455.
 5 A 8455, dated 6-11-68, Emcor Incorporated, Briggs
 6 and Stratton foundry, miscellaneous insulation.
 7 Q Do you have any knowledge as to whether that
 8 job would have involved asbestos containing
 9 Insulation?
 10 A I have no knowledge that it did.
 11 MR. PENDLETON Counsel, was that all
 12 of the jobs that you intended to ask him about
 13 that referred to Briggs and Stratton?
 14 MR. McCOY: That's the ones listed in
 15 this printout, if there's others at that
 16 facility listed under this printout then I'd be
 17 asking about those.
 18 MR. PENDLETON: other than that,
 19 okay.
 20 MR. McCoy: That's all I know that's
 21 listed here.
 22 MR. PENDLETON That's all the
 23 questions I have. If you do come across some
 24 that do refer to Briggs and Stratton, just give
 25 me a call and I will be available by phone to

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1 listen to the questions you have.
 2 MR. McCOY: Again, I think that's the
 3 purpose of this deposition. So if you leave,
 4 somebody leaves, I think they leave. I think
 5 that the rules are clear, we have a deposition
 6 noticed, it's not our burden to tell you when
 7 the questions come up.
 8 MR. PENDLETON I have the right to
 9 participate by phone.
 10 MR. McCOY: If you want to, that's
 11 fine.
 12 MR. PENDLETON: Do you have a
 13 conference phone or speaker phone that you can
 14 have set up in here?
 15 MR. McCOY: I'm sure they have that
 16 facility in here someplace.
 17 MR. TERSCHAN: If it comes up, we
 18 will get you on the horn.
 19 MR. PENDLETON: Fine, thanks. I
 20 appreciate that.
 21 MR. TERSCHAN: If it doesn't come up
 22 we won't.
 23 MR. PENDLETON: Great.
 24 MR. McCoy:
 25 Q Mr. Borchardt, you were asked some questions

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1 about your knowledge of whether asbestos
 2 containing materials were used in a particular
 3 job. Do you have any other background about
 4 what materials used by L&S Insulation contain
 5 asbestos that hasn't been described in this
 6 deposition so far?
 7 MR. DIXON: object to the form of the
 8 question.
 9 A Any information I have I received from
 0 suppliers.
 1 MR. McCOY:
 2 Q Specifically with regard to Woolfelt, what
 3 information do you have about whether that has
 4 asbestos materials in it or not?
 5 A I always understood Woolfelt to be layers of
 6 paper compacted and I don't know the paper, I
 7 should say made out of some sort of the
 8 Woolfelt compacted into one inch thick
 9 material. It was an anti-sweat material.
 0 Q And you know who the Woolfelt supplier was? I
 1 may have asked that question.
 2 A Triple A out of Chicago. They don't exist any
 3 longer.
 4 Q Did someone describe for you from Triple A what
 5 the contents of the Woolfelt was?

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1 A It was word of mouth. I have no spec sheets or
 2 data sheets on it.
 3 Q Is there a particular person that you are
 4 relying upon when you say word of mouth?
 5 A Harry Switala might have been one, because all
 6 of these people preceded me in the industry
 7 prior to my coming in.
 8 Q Anybody else that comes to your mind when you
 9 use the term word of mouth?
 10 A No, because I didn't deal with the sales person
 11 that called on L&S. Harry dealt with them.
 12 Q That sales person from Triple A?
 13 A Yes.
 14 Q Any other basis that you have for determining
 15 the asbestos content of any of the materials
 16 used by L&S Insulation that comes to your mind
 17 now?
 18 A Well, I have said Air-cell was layers,
 19 corrugated layers of asbestos paper made into
 20 one inch thick material.
 21 Q what about raw asbestos fibers L&S used?
 22 A We didn't use or manufacture blankets, so we
 23 didn't have any.
 24 Q What about cements?
 25 MS. GAVIN: objection as to form.

1 Q Did L&S use cements?
 2 A Yes.
 3 Q Use that in insulating any heat carrying lines?
 4 A Could be cold water lines, chill lines, heat
 5 lines.
 6 Q And when you, what types of cements did L&S
 7 Insulation use, brands of manufacturers,
 8 whatever names you know?
 9 MR. TERSCHAN: Any specific years or
 10 just generally?
 11 MR. McCOY: I am talking about like
 12 before mid 1970's before 1975?
 13 A There was Rockwell Cement, still exists today.
 14 There was J. M. Asbestos Cementware, finishing
 15 cement, wouldn't have used much of that. One
 16 coat cement by a half dozen different
 17 manufacturers, and most of those, if they did
 18 contain asbestos they would have the knowledge
 19 of that, we didn't.
 20 Q What about Red Top, did you use those products?
 21 A What?
 22 Q Red Top?
 23 A No, we didn't.
 24 Q Gold Bond?
 25 A No.

1 Q Who made the one coat cements?
 2 MS. GAVIN: objection, form.
 3 MR. JANIK: And foundation.
 4 MR. McCOY:
 5 Q To your knowledge?
 6 A I recall one name, One-Shot Cement, it meant
 7 that you could insulate a fitting with one
 8 application, Rockwool, I don't know, I forgot
 9 the name out of Leeds, Alabama, they made a
 10 cement, one-coat cement. I'm sure were others.
 11 Q Are there any records at L&S Insulation of
 12 where the one-coat cements were purchased from
 13 before 1975?
 14 A No.
 15 Q who was the supplier of the cements?
 16 MS. GAVIN: Objection, form and
 17 foundation.
 18 A I presume generally the manufacturers were of
 19 the cement.
 20 Q where did L&S get its cements from before '75?
 21 A We could have ordered direct or we could have
 22 purchased it generally from Allied or Building
 23 Service.
 24 Q Allied is located where?
 25 A In Milwaukee.

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1 Q Did you **ever** buy any Kaylo or did L&S buy
 2 Kaylo, talking about before '73, directly ~~from~~
 3 **the manufacturer**, Owens-Corning?
 4 A We bought it through Building Service.
 5 Q All of it was through Building Services?
 6 A Yes, never **direct**, they were the distributors,
 7 Kaylo is a trade name.
 8 Q You said that Cal-sil is **the same** as Kaylo, as
 9 far as the manufacturer?
 10 A Cal-sil is **generic**, Kaylo is a trademark
 11 **product**.
 12 Q Kaylo was considered to be a **type** of Cal-sil?
 13 A Yes.
 14 Q **All right, then who is the supplier in**
 15 **Uni-bestos?**
 16 MR. TERSCHAN: To whom?
 17 MR. McCOY:
 18 Q **To L&S?**
 19 A I never **bought** any **direct**, so it would have to
 20 **have come** through any of the suppliers or a
 21 **competitor**.
 22 Q Was it through Building Services or was it--
 23 A Could be Allied Building Service, I **might** have
 24 **bought** it from Sprinkmann.
 25 MS. ANDERSON: Objection, form and

1 A Wisconsin Electric Power?
 2 Q Yes.
 3 A **Oak** Creek one and two.
 4 Q I think you said **Oak** Creek one, two and three?
 5 A And three, ~~those~~ were walls, they were asbestos
 6 panels **with** insulation **on** the interior and they
 7 were corrugated asbestos **on** the exterior.
 8 Q **So** it was both the interior and the exterior of
 9 the walls?
 10 A Well, it was attached to **the** exterior of the
 11 steel, but there was an insulated panel first
 12 and ~~then~~ **the** corrugated **asbestos** over it. It
 13 was like a double panel, was an insulated wall
 14 that was done when there ~~were~~ no other trades
 15 around. It was cold winter **open** steel.
 16 Q Do you know how big that contract was **in** terms
 17 of dollar amount?
 18 A No, it would have been helpful if she had
 19 listed some of ~~that~~, ~~then~~ you would know how
 20 small some of ~~these~~ are.
 21 Q How many people worked on ~~the~~ job at **Oak** Creek
 22 for L&S?
 23 A Probably a **crew** of about four or five.
 24 Q How long did it **take** them?
 25 A I have no idea.

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1 foundation.
 2 MR. McCOY:
 3 Q What did, in the way of insulating products,
 4 did **L&S get from** Sprinkmann, I am talking about
 5 **before 1973?**
 6 MS. ANDERSON objection, form and
 7 **foundation?**
 8 A What products?
 9 Q Yes.
 10 A **Any small** quantity of something we **might** have
 11 **been short of**, we all helped each other out.
 12 **They were not** a major supplier of any kind to
 13 us.
 14 Q When you say we all helped each other out, you
 15 **mean the other** insulating companies?
 16 A Yes, **they** could have bought **ten** feet or **nine**
 17 feet of **something from** me, I **might** have bought
 18 **three** feet **from** them on a particular job,
 19 probably mostly **fiberglass**, some of it was
 20 Cal-sil.
 21 Q **Let's talk** about the WEPCO job for a moment.
 22 **What were the types of asbestos containing**
 23 **materials** that L&S put in at WEPCO?
 24 MS. GAVIN: objection, form and
 25 **foundation.**

1 Q More than a month?
 2 A Yes.
 3 Q More than **six** months?
 4 A Could have been, **depends on** how much was
 5 ready. I don't know **the area**, but I have
 6 forgotten how much they put up **in** a day.
 7 Q **Let's take a look at job number** 4062, that's
 8 1952.
 9 A 4062, dated 2-8-52, Wisconsin Electric Power
 10 company, **oak creek** power plant, cement,
 11 asbestos cement, **asbestos** and corrugated
 12 **asbestos**, there it is, you wanted to know, of
 13 course, oh **yeah**. I told you the date that's
 14 the time frame it was done in '52.
 15 Q That's ~~the~~ job you **are** talking about?
 16 A That's the wall **work, yes**.
 17 Q One, two and three?
 18 A Well, I don't know, there **might** have been
 19 another **contract** here but it might have been
 20 done in **three units** or **portions**, but it went on
 21 over a period of **time**. I doubt that it was all
 22 **one contract**.
 23 Q That's a direct **contract** between L&S and WEPCO,
 24 **light?**
 25 A That's what it appears to be.

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1 Q And your recollection is that was a direct
2 contract?
3 A Yes, direct.
4 Q What instructions were given by WEPCO in
5 connection with that contract as to maintaining
6 a safe workplace?
7 MS. GAVIN: objection, form and
8 foundation.
9 A I did not handle, you can tell by the date, '52
0 that was a large contract, I did not handle
1 it. I might have run out there periodically.
2 I can't tell you what the instructions were,
3 but there was a type of job that was outside
4 the majority of, these sheets were two size,
5 there would have been no advantage in buying
6 them oversize and cutting them because it was
7 an expansive wall and you'd purchase it to fit
8 the girths. It was very little cutting, it was
9 done outside on bare steel and I know for a
10 fact there were very few people around. Our
11 people and maybe some steel workers that I
12 know, because that I was told.
13 Q You said, you said you didn't, this job wasn't
14 done under your supervision, right?
15 A Wasn't, but I might have delivered something

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1 out there with a truck.
2 Q Just a few?
3 A I remember seeing the job.
4 Q You just did a few deliveries, right?
5 A Yes.
6 Q How many, like five, less than five?
7 A I don't know. I didn't have a very big truck,
8 I couldn't have taken much out there,
9 fasteners, rope. That was all stage work.
0 Q So you were out there maybe five times?
1 A I have no way of knowing.
2 Q You don't know how many times you were out
3 there?
4 A No, I don't.
5 Q Take a look at contract number 4537.
6 A Contract 4537, dated 10-1-53, Klug and Smith
7 Company, Oak Creek power plant, Linabestos and
8 Cement Cemesto, panel work.
9 Q What is Linabestos?
10 A At this point I can't tell you, I think she
11 made up a word.
12 Q What was it, do you know what it was used for?
13 A Just sounds like the same thing, you know, that
14 we did before.
15 Q Do you know if this is part of that same work

1 on units one, two and three?
2 A It could be, Klug and Smith was involved down
3 there. Exterior panelwork. Again I am sure
4 there was nothing, had nothing to do with
5 pipes.
6 Q By the way when you go out to deliver some
7 materials, how long would you stay out there at
8 the job site for the Oak Creek job?
9 A Oh, if it was the middle of winter very, very
0 short period of time. If it was outside and
1 the wind was blowing it was the most miserable
2 place in the world to work.
3 Q So you'd be out there a half hour or less?
4 A Less.
5 Q There's a job at WEPCO that I have as number
6 5025 that I'd like you to take a look at.
7 A Okay, 5025, no, I'm sorry, wrong number, dated
8 6-13-55, Wisconsin Electric Power company, Oak
9 Creek power plant, slab insulation.
0 Q What's slab insulation?
1 A I can only guess that it was some foam glass
2 blocks they wanted to insulate underneath some
3 slab, concrete slab.
4 Q Do you know for sure that's what it is?
5 A No, I don't know for sure, but they wouldn't

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1 have used asbestos under ground, it would have
2 deteriorated.
3 Q Take a look at job number 4825.
4 A 4825, 9-7-54 Wisconsin Electric Power, Oak
5 Creek power plant, Unit number three, insulated
6 panel work. There's the third unit, exterior
7 walls.
8 Q That's Unit three, that same type of work?
9 A Same double wall, unit three.
0 Q Cemesto Board and corrugated asbestos?
1 A Yep.
2 MR. McCoy: Mr. Reporter, did you get
3 that answer?
4 REPORTER: Yep.
5 A Like I said, they'd be in here somewhere. They
6 had to be.
7 Q How long did that job take on Unit number
8 three?
9 A I don't remember.
0 Q Was it like the same type of staffing four to
1 three people?
2 A Same crew, half the time as one and two.
3 Q What's that?
4 A They were almost identical, one is identical to
5 two, two identical to three.

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1 Q About **the same** amount of **time** on each Unit?
 2 A Yes, **sure**. Trouble is they went up 120 feet to
 3 **the top**.
 4 Q **They had to go 120 feet high?**
 5 A **All** the exterior walls, nothing interior, just
 6 outside.
 7 Q **Right**.
 8 A **East** wall, **west** wall, north wall, **all** the south
 9 **walls were** temporary because they kept building
 10 more units.
 11 Q **Let's take** a look at job number 4765.
 12 A 4765, dated 7-6-54, J. M. **Brennan** Incorporated,
 13 Wisconsin Electric Power Company, duct and
 14 **steam** pipe insulation.
 15 Q Subcontract under J. M. **Brennan**?
 16 A **Yes, sir**.
 17 Q **What type** of business was J. M. Brennan?
 18 A They were a plumbing and heating contractor,
 19 they **are** plumbing and heating contractors.
 20 Q You **know** anything about this job other than
 21 what you **am** reading in the ledger?
 22 A I know nothing. I can't tell you where the
 23 location **is**, could have **been** anywhere, could
 24 have been at their main building.
 25 Q You talking about **the** office building?

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1 A **Yes**, their **main** office building, looks, it
 2 appears to be a small little **repair** job that
 3 was done.
 4 Q What about job number contract number 7494,
 5 1963.
 6 A Contract 7494, dated 10-11-63, the **Wenninger**
 7 Company, Wisconsin Electric Power Company pipe
 8 and duct insulation.
 9 Q Do you know what materials were used on that
 10 job?
 11 A **From** the date I'd have to **guess** it was
 12 **fiberglass**, ducts positively, pipe probably.
 13 Q My question was do you know what materials were
 14 used?
 15 A I **how** that the duct insulation was **glass**.
 16 Q Okay, but what about the pipe insulation, do
 17 you know?
 18 A I **can't**, I don't have any records to tell you
 19 that.
 20 Q **The Cemesto** Board or corrugated **asbestos** that
 21 was used for **units one**, two and three at **Oak**
 22 Creek, where did that **come from**, who was the
 23 **supplier on that?**
 24 MS. ANDERSON: objection to form and
 25 **foundation**.

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1 MR. TERSCHAN: Asked and answered,
 2 he's going to **try** and get the name.
 3 A Of the **cement**, the manufacturer of Cemesto,
 4 Kesby and Mattison **made the** corrugated
 5 **asbestos**.
 6 MR. MCCOY:
 7 Q **Those** were purchases direct **from** the
 8 manufacturers?
 9 A In sheet form and probably applied in **full**
 10 lengths to exterior walls, **no** other people
 11 around I don't think they even had pipe in
 12 **the** building at that time.
 13 Q But they were purchases **from** the manufacturers?
 14 A **Oh**, absolutely, to my knowledge we purchased
 15 from manufacturers.
 16 Q **Was all the Cemesto** bought directly from the
 17 manufacturer?
 18 A They were the only ones, they **were** the sole
 19 manufacturers of it.
 20 Q I just wanted to know if there is a middle
 21 **person** in that transaction?
 22 A No, there wasn't.
 23 Q L&S **direct from** the manufacturer?
 24 A Whoever, **yes**, they had sales people out that
 25 called on **us**. I can't tell you who **they** were.

1 Q **All right**, I am going to give you some names of
 2 **some** places, I'd **like** you to **tell** me if you
 3 were responsible for these accounts prior to
 4 say, 1973?
 5 A Okay.
 6 Q Badger Army Ammunition plant?
 7 A I had handled it.
 8 Q Badger Ordinance Works?
 9 A **Same** place. I handled it, majority of that
 10 work was aluminum or existing pipe, they had
 11 roofing jacketing on it, it was falling apart.
 12 They did **the** whole plant in aluminum.
 13 Q **Briggs** and Stratton?
 14 A Briggs and Stratton, I might have been
 15 involved, it could have **been** someone else.
 16 Q Brookfield **Square**?
 17 A I handled that, it was **on** the way home.
 18 Q What **was** used for the oven insulation at Briggs
 19 and Stratton?
 20 MS. GAVIN: We going to **call** Sandy?
 21 **Is this his stuff?**
 22 MR. TERSCHAN: **His** is Brigs and
 23 Stratton stuff.
 24 MS. GAVIN: **Yes**.
 25 MR. TERSCHAN: I said I'd call him at

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1 Cook and Franke if we were going to know you
2 were asking.
3 A I answered his question, when I answered that
4 and if you want to go back, that's the same
5 answer.
6 MR. MCCOY:
7 Q My question is what was used for oven
8 insulation?
9 MR. TERSCHAN: Put an objection as
0 asked and answered.
1 A I thought it was a high temp blanket material
2 because these were big curved surfaces not
3 conducive to putting block insulation on, but
4 that's recollection and if it were oven panels
5 if it happened to be a vertical oven or
6 rectangular oven would probably be some high
7 temperature mineral because from a cost
8 standpoint and weight standpoint they would not
9 have used a Cal-sil, it would have been
10 impractical.
11 Q When you say a high temp blanket material,
12 could you describe what you mean?
13 A Rockwool, Rockwool blanket take 12 hundred
14 degrees.
15 Q You know What the asbestos content of those

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1 blankets were?
2 A They were none.
3 Q How do you know that?
4 A They, the manufacturer, guaranteed it.
5 Q Prior to 1973?
6 A Anytime, there was no asbestos in them
7 blankets.
8 Q Columbia Hospital who had that account?
9 A They have added on ten times, I might have been
0 involved, depends on which phase it is.
1 Q Cleaver-Brooks Company?
2 A That was not mine.
3 Q Continental Can?
4 A I was involved partially in Continental Can on
5 some process piping.
6 Q What type of process piping?
7 A Water, could have been any number of things.
8 Sometimes they cover air lines, anything that
9 ranked with their machinery, all low
10 temperature stuff.
11 Q How about St. Lukes Hospital?
12 A Many stages, some I handled, some I didn't.
13 Q How about at Pabst?
14 A Pabst I didn't handle anything there.
15 Q Did you ever have responsibility for any of the

1 WEPCO jobs?
2 A WEPCO repair, patching or repairs?
3 Q Yes, any of those jobs?
4 A Some, some not. Generally ones that I was
5 associated with were very small, other than
6 their office building, their new office
7 building down here.
8 Q What about Schlitz?
9 A We didn't do much work at Schlitz, if we did I
0 don't recall specific jobs, but that probably
1 was handled by somebody else again, probably if
2 it was it might have been some refrigeration
3 work, cork work or that type of product.
4 Q Who handled the Milwaukee Public Schools?
5 A A variety of people, if it was a new big job I
6 probably was on it. Once in a while I'd take
7 care of a miscellaneous little job, but even
8 miscellaneous little jobs that was only like
9 two or three days work. New school I probably
0 handle it, unless it was pretty early in the
1 system.
2 Q Can you tell us any single job where L&S
3 Insulation used asbestos containing materials
4 on pipe covering work?
5 MS. GAVIN: objection, as to form and

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1 foundation.
2 MR. TERSCHAN: Any job?
3 MR. McCoy: Anywhere, any time.
4 MS. GAVIN: objection, form and
5 foundation.
6 A I can tell you that if it was specified by
7 someone and we were made to use it we'd use
8 it. We never went out of our way to use it.
9 It was cost prohibitive, I wouldn't, I couldn't
0 go through here and pick it out. I can't do it
1 here. You can't, I can't say that there was
2 asbestos on any of these jobs. It isn't
3 written in there. The asbestos cement board,
4 that's not pipe bearing, that's asbestos, that
5 we knew.
6 Q The question is do you recall any job on which
7 L&S Insulation used asbestos containing
8 materials on pipe covering work?
9 MS. GAVIN: Same objection.
0 A That's from '70 back 27 years ago, I am going
1 to plead that I'd have to go through these
2 books to find it, if you wanted a specific one
3 and I could recall it I'd have to go through
4 every book, every contract. Off top of my head
5 I am not, I don't know what to pick out. What

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1 company would you like? Well I can't, I don't
 2 know. I mean I can go through here and I can,
 3 Pflugradt, with M.J. steam pipe '55, well, I
 4 didn't have much to do with it, maybe they used
 5 asbestos there, but I can't say they did.
 6 Pflugradt, that's an almost impossible question
 7 to answer and there might be a list, but we
 8 only use it when we were, when it was insisted
 9 that we use it. It was a cost prohibitive
 0 material. I could put on glass three times as
 1 fast as Cal-sil and pay less for the glass and
 2 be more competitive. Why would I use Cal-sil?
 3 I mean there would be no reason for me to.

4 MR. MCCOY: I will move to strike
 5 that as nonresponsive to my question.
 6 Q But again, are you able to tell us as you sit
 7 here now, without going through the ledger
 8 books, job by job, any job where L&S Insulation
 9 used asbestos materials for pipe covering
 0 work?

1 MS. GAVIN: objection.
 2 MR. TERSCHAN: Asked and answered.
 3 MS. ANDERSON: object as to form.
 4 MS. GAVIN: Form and foundation.
 5 MR. TERSCHAN: Argumentative.

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1 A I wish I could think of something right now,
 2 but one.
 3 MR. McCoy: Yes, anyone?
 4 A Well, anyone. Let me start in the old book.
 5 MR. TERSCHAN: He said without
 6 looking through.
 7 MR. MCCOY: Without going through the
 8 books, right.
 9 MR. TERSCHAN: If you can't, you
 0 can't.
 1 A Well, gee whiz, that's a question that now you
 2 got to start thinking all the way back, you
 3 know, I'm sure there is some small jobs that we
 4 used a breaching, for instance, I know that we
 5 used asbestos containing product, I have
 6 testified to that, sometimes a tank in a boiler
 7 room if they ask for it, if they asked for that
 8 we had to use it, we did. But generally on
 9 pipe starting in the early '50's we were
 0 already switching to glass and we didn't write
 1 the specs.

2 MR. MCCOY: I move to strike that
 3 part of the answer.
 4 Q Can you give us the name of a job site without
 5 going through these, one by one, where L&S used

1 asbestos containing materials for pipe
 2 covering?
 3 MS. GAVIN: Same objection.
 4 A Can I?
 5 MS. GAVIN: counsel, you have asked
 6 this question three times.
 7 A I'd have to think about that, right. I don't
 8 know what on. The only job I think of is glass
 9 just that fast because we worked on mostly new
 0 work.

1 MR. MCCOY:
 2 Q As you sit here now, you are unable to tell us
 3 the job site?
 4 A All right, yes, I am unable to.
 5 Q Can you tell us the name of those companies
 6 that L&S or job sites where L&S Insulation did
 7 work where there was a specification for
 8 asbestos containing materials in the pipe
 9 covering?

0 MS. ANDERSON: same objection.
 1 A Same answer, I thought we were talking about
 2 contract books here.
 3 MR. MCCOY:
 4 Q Without going through the contract books you
 5 are not able to do this?

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1 A That's awful hard, I just, my mind is a blank.
 2 Now you are going back 27 years and then
 3 another 20 years before that. I am 72.
 4 MR. MCCOY: I guess this is probably
 5 a good point to break and by agreement we will
 6 continue this.

7 MR. TERSCHAN: At some other mutually
 8 agreeable time.
 9 MR. MCCOY: I want to make sure we
 0 are covered on any of these cases that's coming
 1 up on discovery close. I will have to check
 2 that record.

3 MR. TERSCHAN: Give me a call and we
 4 will work out, we will try to work out as
 5 quickly as we can.

6 MR. JANIK: I think everyone here
 7 wants to reserve the right to question the
 8 witness.

9 MR. TERSCHAN: I have no problem,
 0 even the guys who aren't here can question.

1 MS. ANDERSON: I'd like it on the
 2 record when one person makes an objection for
 3 one party it's for every party. I am not sure
 4 that was on the record.

MS. GAVIN: Counsel, can I ask you

ELMER BORCHARDT

Condenselt™

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1 what page you were on of this 85 page document
2 regarding the contract numbers?

3 MR. MCCOY: I skipped around a little
4 bit there but I am somewhere on page six or
5 seven I think.

6 MS. GAVIN: And for planning
7 purposes, you intend to go through all 85
8 pages?

9 MR. MCCOY: Right, we are going to go
0 through 85 pages, but as I have said before
1 it's not going to take as long to go through
2 the last part. It will go a lot quicker.

3 MS. GAVIN: Thanks.
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1 STATE OF WISCONSIN) ss
2 COUNTY OF MILWAUKEE)
3
4

5 I, Ronald L. Bonk, a Notary Public in and
6 for the State of Wisconsin, do hereby certify that
7 the above deposition was recorded by me and reduced
8 to writing under my personal direction.

9 I further certify that said deposition was
0 taken at the offices of Cascino Vaughan Law
1 Offices, 633 W. Wisconsin Avenue, Milwaukee,
2 Wisconsin on the 16th day of January, A.D., 1998,
3 commencing at 1:45 p.m.

4 I further certify that I am not a relative
5 or employee or attorney or counsel of any of the
6 parties, or a relative or employee of such attorney
7 or counsel, or financially interested directly or
8 indirectly in this action.

9 In witness whereof I have hereunto set my
0 hand and affixed my seal of office at Milwaukee,
1 Wisconsin this 20th day of January A.D., 1998.
2
3

4 Notary Public
5

6 In and for the State of Wisconsin
7

8 My commission expires 3-21-99.
9